

**SENATE BILL NO. \_\_\_\_\_ HOUSE BILL NO. \_\_\_\_\_**

1 A BILL to amend and reenact §§ 2.2-1159, 3.2-6588, 10.1-200.3, 15.2-1805, 15.2-2025, 15.2-2306, 15.2-  
2 5201, 15.2-5301, 15.2-5369, 15.2-6314.1, 20-163, 22.1-101.1, 22.1-183, 22.1-213, 22.1-214.3,  
3 22.1-270, 22.1-290.02, 23.1-1000, 23.1-2400, 25.1-400, 29.1-314, 32.1-78, 33.2-613, 36-96.1:1,  
4 36-98.1, 36-99, 38.2-3323, 38.2-3409, 46.2-100, 46.2-221, 46.2-844, 46.2-859, 46.2-917, 46.2-  
5 1090, 46.2-1503.2, 51.1-124.27, 51.5-40.1, 54.1-2968, 58.1-609.10, 58.1-2401, 58.1-3210, 58.1-  
6 3213.1, 58.1-3503, 58.1-3506, 58.1-3506.1, 58.1-3506.6, 58.1-3833, 58.1-3840, 58.1-4024, 63.2-  
7 100, 63.2-319, 63.2-1301, 63.2-1302, and 64.2-745 of the Code of Virginia, relating to individuals  
8 with disabilities; terminology.

9 **Be it enacted by the General Assembly of Virginia:**

10 **1. That §§ 2.2-1159, 3.2-6588, 10.1-200.3, 15.2-1805, 15.2-2025, 15.2-2306, 15.2-5201, 15.2-**  
11 **5369, 15.2-6314.1, 20-163, 22.1-101.1, 22.1-183, 22.1-213, 22.1-214.3, 22.1-270, 22.1-290.02, 23.1-**  
12 **1000, 23.1-2400, 25.1-400, 29.1-314, 32.1-78, 33.2-613, 36-96.1:1, 36-98.1, 36-99, 38.2-3323, 38.2-**  
13 **3409, 46.2-100, 46.2-221, 46.2-844, 46.2-859, 46.2-917, 46.2-1090, 46.2-1503.2, 51.1-124.27, 51.5-40.1,**  
14 **54.1-2968, 58.1-609.10, 58.1-2401, 58.1-3210, 58.1-3213.1, 58.1-3503, 58.1-3506, 58.1-3506.1, 58.1-**  
15 **3506.6, 58.1-3833, 58.1-3840, 58.1-4024, 63.2-100, 63.2-319, 63.2-1301, 63.2-1302, and 64.2-745 of the**  
16 **Code of Virginia are amended and reenacted as follows:**

17 **§ 2.2-1159. Facilities for persons with physical disabilities in certain buildings; definitions;**  
18 **construction standards; waiver; temporary buildings.**

19 A. For the purposes of this section and § 2.2-1160:

20 "Building" means any building or facility, used by the public, which is constructed in whole or in  
21 part or altered by the use of state, county or municipal funds, or the funds of any political subdivision of  
22 ~~this the~~ Commonwealth. "Building" shall not include public school buildings and facilities, which shall  
23 be governed by standards established by the Board of Education pursuant to § 22.1-138.

24 "Persons with physical disabilities" means persons with:

1. Impairments that, regardless of cause or manifestation, for all practical purposes, confine individuals to wheelchairs;

2. Impairments that cause individuals to walk with difficulty or insecurity;

3. Total blindness or impairments affecting sight to the extent that the individual functioning in public areas is insecure or exposed to dangers;

4. Deafness or hearing ~~handicaps~~ impairments that might make an individual insecure in public areas because he is unable to communicate or hear warning signals;

5. Faulty coordination or palsy from brain, spinal, or peripheral nerve injury; or

6. Those manifestations of the aging processes that significantly reduce mobility, flexibility, coordination and perceptiveness but are not accounted for in the aforementioned categories.

B. The Division shall prescribe standards for the design, construction, and alteration of buildings constructed in whole or in part or altered by the use of state funds, other than school funds, necessary to ensure that persons with physical disabilities will have ready access to, and use of, such buildings.

C. The governing body of a county, city or town or other political subdivision shall prescribe standards for the design, construction and alteration of buildings, not including public school facilities, constructed in whole or in part or altered by the use of the funds of such locality or political subdivision necessary to ensure that persons with physical disabilities will have ready access to, and use of, such buildings. The Division shall consult with the governing bodies upon request.

D. The Division, with respect to standards issued by it, and the governing body of any county, city or town or other political subdivision with respect to standards issued by it may:

1. Modify or waive any such standard, on a case-by-case basis, upon application made by the head of the department, agency or other instrumentality concerned, upon determining that a modification or waiver is clearly necessary; and

2. Conduct necessary surveys and investigations to ensure compliance with such standards.

E. The provisions of this section and § 2.2-1160 shall apply to temporary and emergency construction as well as permanent buildings.

**§ 3.2-6588. Intentional interference with a guide or leader dog; penalty.**

A. It is unlawful for a person to, without just cause, willfully impede or interfere with the duties performed by a dog if the person knows or has reason to believe the dog is a guide or leader dog. A violation of this subsection is a Class 3 misdemeanor.

B. It is unlawful for a person to, without just cause, willfully injure a dog if the person knows or has reason to believe the dog is a guide or leader dog. A violation of this subsection is a Class 1 misdemeanor.

"Guide or leader dog" means a dog that: (i) serves as a dog guide for a blind person as defined in § 51.5-60 or for a person with a visual disability; (ii) serves as a listener for a deaf or hard-of-hearing person as defined in § 51.5-111; or (iii) provides support or assistance for a physically disabled ~~or~~ handicapped person.

**§ 10.1-200.3. Admittance and parking in state parks; prohibitions; civil penalty.**

A. No person shall make use of, gain admittance to, or attempt to use or gain admittance to the facilities in any state park for the use of which a charge is assessed by the Department, unless the person pays the charge or price established by the Department.

B. No owner or driver shall cause or permit a vehicle to stand:

1. Anywhere in a state park outside of designated parking spaces, except for a reasonable time in order to receive or discharge passengers; or

2. In any space in a state park designated for use by the ~~handicapped~~ disabled unless the vehicle displays a license plate or decal issued by the Commissioner of the Department of Motor Vehicles, or a similar identification issued by a similar authority of another state or the District of Columbia, ~~which that~~ authorizes parking in a ~~handicap~~ space designated for use by the disabled.

C. Any person violating any provision of this section may, in lieu of any criminal penalty, be assessed a civil penalty of ~~twenty-five dollars~~ \$25 by the Department. Civil penalties assessed under this section shall be paid into the Conservation Resources Fund.

**§ 15.2-1805. Permitting visually impaired persons to operate stands for sale of newspapers, etc.**

A locality, by ordinance or resolution, may authorize any visually ~~handicapped~~ impaired person to construct, maintain and operate, under the supervision of the Virginia Department for the Blind and Vision Impaired, in the county or city courthouse or in any other property of the locality, a stand for the sale of newspapers, periodicals, confections, tobacco products and similar articles and may prescribe rules for the operation of such stand.

**§ 15.2-2025. Removal of snow and ice; civil penalty.**

Notwithstanding the provisions of subsection A of § 15.2-2000, any county in Northern Virginia Planning District 8, or any county outside Planning District 8 that has adopted the county executive form of government, may provide by ordinance reasonable criteria and requirements for the removal of accumulations of snow and ice from public sidewalks, by the owner or other person in charge of any occupied property.

Such ordinance shall include reasonable time frames for compliance and reasonable exceptions for ~~handicapped~~ disabled and elderly persons, and those otherwise physically incapable of meeting the criteria and requirements for such removal.

Civil penalties not to exceed \$100 may be imposed for violation of such ordinance.

**§ 15.2-2306. Preservation of historical sites and architectural areas.**

A. 1. Any locality may adopt an ordinance setting forth the historic landmarks within the locality as established by the Virginia Board of Historic Resources, and any other buildings or structures within the locality having an important historic, architectural, archaeological or cultural interest, any historic areas within the locality as defined by § 15.2-2201, and areas of unique architectural value located within designated conservation, rehabilitation or redevelopment districts, amending the existing zoning ordinance and delineating one or more historic districts, adjacent to such landmarks, buildings and structures, or encompassing such areas, or encompassing parcels of land contiguous to arterial streets or highways (as designated pursuant to Title 33.2, including § 33.2-319 ~~of that title~~) found by the governing body to be significant routes of tourist access to the locality or to designated historic landmarks, buildings, structures or districts therein or in a contiguous locality. A governing body may provide in the ordinance that the applicant must submit documentation that any development in an area of the locality of known

historical or archaeological significance will preserve or accommodate the historical or archaeological resources. An amendment of the zoning ordinance and the establishment of a district or districts shall be in accordance with the provisions of Article 7 (§ 15.2-2280 et seq.) ~~of this chapter~~. The governing body may provide for a review board to administer the ordinance and may provide compensation to the board. The ordinance may include a provision that no building or structure, including signs, shall be erected, reconstructed, altered or restored within any such district unless approved by the review board or, on appeal, by the governing body of the locality as being architecturally compatible with the historic landmarks, buildings or structures therein.

2. Subject to the provisions of subdivision 3 ~~of this subsection~~ the governing body may provide in the ordinance that no historic landmark, building or structure within any district shall be razed, demolished or moved until the razing, demolition or moving thereof is approved by the review board, or, on appeal, by the governing body after consultation with the review board.

3. The governing body shall provide by ordinance for appeals to the circuit court for such locality from any final decision of the governing body pursuant to subdivisions 1 and 2 ~~of this subsection~~ and shall specify therein the parties entitled to appeal the decisions, which parties shall have the right to appeal to the circuit court for review by filing a petition at law, setting forth the alleged illegality of the action of the governing body, provided the petition is filed within ~~thirty~~ 30 days after the final decision is rendered by the governing body. The filing of the petition shall stay the decision of the governing body pending the outcome of the appeal to the court, except that the filing of the petition shall not stay the decision of the governing body if the decision denies the right to raze or demolish a historic landmark, building or structure. The court may reverse or modify the decision of the governing body, in whole or in part, if it finds upon review that the decision of the governing body is contrary to law or that its decision is arbitrary and constitutes an abuse of discretion, or it may affirm the decision of the governing body.

In addition to the right of appeal hereinabove set forth, the owner of a historic landmark, building or structure, the razing or demolition of which is subject to the provisions of subdivision 2 ~~of this subsection~~, shall, as a matter of right, be entitled to raze or demolish such landmark, building or structure provided that: (i) he has applied to the governing body for such right, (ii) the owner has for the period of

time set forth in the same schedule hereinafter contained and at a price reasonably related to its fair market value, made a bona fide offer to sell the landmark, building or structure, and the land pertaining thereto, to the locality or to any person, firm, corporation, government or agency thereof, or political subdivision or agency thereof, which gives reasonable assurance that it is willing to preserve and restore the landmark, building or structure and the land pertaining thereto, and (iii) no bona fide contract, binding upon all parties thereto, shall have been executed for the sale of any such landmark, building or structure, and the land pertaining thereto, prior to the expiration of the applicable time period set forth in the time schedule hereinafter contained. Any appeal which may be taken to the court from the decision of the governing body, whether instituted by the owner or by any other proper party, notwithstanding the provisions heretofore stated relating to a stay of the decision appealed from shall not affect the right of the owner to make the bona fide offer to sell referred to above. No offer to sell shall be made more than one year after a final decision by the governing body, but thereafter the owner may renew his request to the governing body to approve the razing or demolition of the historic landmark, building or structure. The time schedule for offers to sell shall be as follows: three months when the offering price is less than \$25,000; four months when the offering price is \$25,000 or more but less than \$40,000; five months when the offering price is \$40,000 or more but less than \$55,000; six months when the offering price is \$55,000 or more but less than \$75,000; seven months when the offering price is \$75,000 or more but less than \$90,000; and ~~twelve~~ 12 months when the offering price is \$90,000 or more.

4. The governing body is authorized to acquire in any legal manner any historic area, landmark, building or structure, land pertaining thereto, or any estate or interest therein which, in the opinion of the governing body should be acquired, preserved and maintained for the use, observation, education, pleasure and welfare of the people; provide for their renovation, preservation, maintenance, management and control as places of historic interest by a department of the locality or by a board, commission or agency specially established by ordinance for the purpose; charge or authorize the charging of compensation for the use thereof or admission thereto; lease, subject to such regulations as may be established by ordinance, any such area, property, lands or estate or interest therein so acquired upon the condition that the historic character of the area, landmark, building, structure or land shall be preserved and maintained; or to enter

159 into contracts with any person, firm or corporation for the management, preservation, maintenance or  
160 operation of any such area, landmark, building, structure, land pertaining thereto or interest therein so  
161 acquired as a place of historic interest; however, the locality shall not use the right of condemnation under  
162 this subsection unless the historic value of such area, landmark, building, structure, land pertaining thereto,  
163 or estate or interest therein is about to be destroyed.

164 The authority to enter into contracts with any person, firm or corporation as stated above may  
165 include the creation, by ordinance, of a resident curator program such that private entities through lease  
166 or other contract may be engaged to manage, preserve, maintain, or operate, including the option to reside  
167 in, any such historic area, property, lands, or estate owned or leased by the locality. Any leases or contracts  
168 entered into under this provision shall require that all maintenance and improvement be conducted in  
169 accordance with established treatment standards for historic landmarks, areas, buildings, and structures.  
170 For purposes of this section, leases or contracts that preserve historic landmarks, buildings, structures, or  
171 areas are deemed to be consistent with the purposes of use, observation, education, pleasure, and welfare  
172 of the people as stated above so long as the lease or contract provides for reasonable public access  
173 consistent with the property's nature and use. The Department of Historic Resources shall provide  
174 technical assistance to local governments, at their request, to assist in developing resident curator  
175 programs.

176 B. Notwithstanding any contrary provision of law, general or special, in the City of Portsmouth no  
177 approval of any governmental agency or review board shall be required for the construction of a ramp to  
178 serve the ~~handicapped~~ disabled at any structure designated pursuant to the provisions of this section.

179 C. Any locality that establishes or expands a local historic district pursuant to this section shall  
180 identify and inventory all landmarks, buildings, or structures in the areas being considered for inclusion  
181 within the proposed district. Prior to adoption of an ordinance establishing or expanding a local historic  
182 district, the locality shall (i) provide for public input from the community and affected property owners in  
183 accordance with § 15.2-2204; (ii) establish written criteria to be used to determine which properties should  
184 be included within a local historic district; and (iii) review the inventory and the criteria to determine  
185 which properties in the areas being considered for inclusion within the proposed district meet the criteria

to be included in a local historic district. Local historic district boundaries may be adjusted to exclude properties along the perimeter that do not meet the criteria. The locality shall include only the geographical areas in a local historic district where a majority of the properties meet the criteria established by the locality in accordance with this section. However, parcels of land contiguous to arterial streets or highways found by the governing body to be significant routes of tourist access to the locality or to designated historic landmarks, buildings, structures, or districts therein, or in a contiguous locality may be included in a local historic district notwithstanding the provisions of this subsection.

D. Any locality utilizing the urban county executive form of government may include a provision in any ordinance adopted pursuant to this section that would allow public access to any such historic area, landmark, building, or structure, or land pertaining thereto, or providing that no subdivision shall occur within any historic district unless approved by the review board or, on appeal, by the governing body of the locality as being compatible with the historic nature of such area, landmarks, buildings, or structures therein with regard to any parcel or parcels that collectively are (i) adjacent to a navigable river and a national park and (ii) in part or as a whole subject to an easement granted to the National Park Service or Virginia Outdoors Foundation granted on or after January 1, 1973.

**§ 15.2-5201. Definitions.**

As used in this chapter:

"Bond" includes any interest-bearing obligation, including promissory notes.

"Hospital or health center" means any and all medical facilities and approaches thereto and appurtenances thereof. Medical facilities shall include any and all facilities suitable for providing hospital and medical care, including any and all structures, buildings, improvements, additions, extensions, replacements, appurtenances, lands, rights in lands, franchises, machinery, equipment, furnishing, landscaping, approaches, roadways and other facilities necessary or desirable in connection therewith or incidental thereto (including, without limitation, hospitals, nursing homes, assisted living facilities, continuing care facilities, self-care facilities, medical office facilities, clinics, out-patient surgical centers, alcohol, substance abuse and drug treatment centers, laboratories, research facilities, sanitariums, hospices, facilities for the residence or care of the elderly, the ~~handicapped~~ disabled, or the chronically ill,



residential facilities for nurses, interns, and physicians and any other kind of facility for the diagnosis, treatment, rehabilitation, prevention, or palliation of any human illness, injury, disorder, or disability), together with all related and supporting facilities and equipment necessary and desirable in connection therewith or incidental thereto, or equipment alone, including, without limitation, kitchen, laundry, laboratory, pharmaceutical, administrative, communications, computer and recreational facilities and equipment, storage space, mobile medical facilities, vehicles and other equipment necessary or desirable for the transportation of medical equipment or the transportation of patients.

**§ 15.2-5301. Definitions.**

As used ~~or referred to~~ in this chapter, unless the context requires a different meaning ~~clearly appears from the context~~:

"Authority" or "hospital authority" means a body corporate organized in accordance with the provisions of this chapter for the purposes, with the powers and subject to the restrictions hereinafter set forth.

"Bonds" means any bonds, interim certificates, notes, debentures, or other obligations of the authority issued pursuant to this chapter.

"City," means both cities and counties, and city-specific terms such as "mayor" shall be deemed to also include the equivalent county term.

"Commissioner" means one of the members of an authority appointed in accordance with the provisions of this chapter.

"Contract" means any agreement of an authority with or for the benefit of an obligee whether contained in a resolution, trust indenture, mortgage, lease, bond or other instrument.

"Cost," as applied to a hospital project, means all or any part of the cost of acquisition, construction, alteration, enlargement, reconstruction and remodeling of a hospital project, including all lands, structures, real or personal property, interest in land and air rights, the cost of demolishing or removing any buildings or structures on land so acquired, including the cost of acquiring any lands to which such buildings or structures may be moved, the cost of all labor, materials, machinery and equipment, financing charges, interest on all bonds prior to, during and for a period of time not to exceed two years after completion,

240 provisions for working capital, the cost of architectural engineering, financial and legal services, plans,  
241 specifications, studies, surveys, estimates of cost and revenues, administrative expenses, expenses  
242 necessary or incident to determining the feasibility or practicability of acquiring or constructing the  
243 hospital project and such other expenses as may be necessary or incidental to the acquisition and  
244 construction of such project, the financing of such acquisition and construction and the placing of the  
245 project in operation.

246 "Federal government" means the United States of America or any agency or instrumentality,  
247 corporate or otherwise, of the United States of America.

248 "Government" means the Commonwealth and the federal government and any subdivision, agency  
249 or instrumentality, corporate or otherwise, of either of them.

250 "Hospital project" or "project" means any and all medical facilities and approaches thereto and  
251 appurtenances thereof. Medical facilities shall include any and all facilities suitable for providing adequate  
252 hospital facilities and medical care for concentrated centers of population, and also includes any and all  
253 structures, buildings, improvements, additions, extensions, replacements, appurtenances, lands, rights in  
254 land, franchises, machinery, equipment, furnishings, landscaping, approaches, roadways and other  
255 facilities necessary or desirable in connection therewith or incidental thereto, including, without limitation,  
256 hospitals, nursing homes, assisted living facilities, continuing care facilities, self-care facilities, medical  
257 office facilities, clinics, out-patient surgical centers, alcohol, substance abuse and drug treatment centers,  
258 laboratories, research facilities, sanitariums, hospices, facilities for the residence or care of the elderly, the  
259 ~~handicapped~~ disabled, or the chronically ill, residential facilities for nurses, interns, and physicians and  
260 any other kind of facility for the diagnosis, treatment, rehabilitation, prevention or palliation of any human  
261 illness, injury, disorder, or disability; together with all related and supporting facilities and equipment  
262 necessary and desirable in connection therewith or incidental thereto; or equipment alone, including,  
263 without limitation, parking facilities, kitchen, laundry, laboratory, pharmaceutical, administrative,  
264 communications, computer and recreational facilities and equipment, storage space, mobile medical  
265 facilities, vehicles, and other equipment necessary or desirable for the transportation of medical equipment  
266 or the transportation of patients.

267 "Obligee of the authority" or "obligee" includes any bondholder, trustee or trustees for any  
268 bondholders, any lessor demising property to the authority used in connection with a hospital project or  
269 any assignee or assignees of such lessor's interest or any part thereof, and the United States of America  
270 when it is a party to any contract with the authority.

271 "Real property" includes lands under water, structures, and any and all easements, franchises and  
272 incorporeal hereditaments and every estate and right therein, legal and equitable, including terms for years  
273 and liens by way of judgments, mortgage or otherwise.

274 "Trust indenture" includes instruments pledging the revenues of real or personal properties but not  
275 conveying such properties or conferring a right to foreclose and cause a sale thereof.

276 **§ 15.2-5369. Definitions.**

277 As used in this chapter, unless the context requires a different meaning:

278 "Authority" means any political subdivision, a body politic and corporate, created, organized, and  
279 operated pursuant to the provisions of this chapter or, if such Authority is abolished, the board, body,  
280 authority, department, or officer succeeding to the principal functions thereof or to whom the powers given  
281 by this chapter are given by law.

282 "Bond" includes any interest bearing obligation, including promissory notes.

283 "Commissioner" means the State Health Commissioner.

284 "Cooperative agreement" means an agreement among two or more hospitals for the sharing,  
285 allocation, consolidation by merger or other combination of assets, or referral of patients, personnel,  
286 instructional programs, support services, and facilities or medical, diagnostic, or laboratory facilities or  
287 procedures or other services traditionally offered by hospitals.

288 "Hospital" includes any health center and health provider under common ownership with the  
289 hospital and means any and all providers of dental, medical, and mental health services, including all  
290 related facilities and approaches thereto and appurtenances thereof. Dental, medical, and mental health  
291 facilities includes any and all facilities suitable for providing hospital, dental, medical, and mental health  
292 care, including any and all structures, buildings, improvements, additions, extensions, replacements,  
293 appurtenances, lands, rights in lands, franchises, machinery, equipment, furnishing, landscaping,

approaches, roadways, and other facilities necessary or desirable in connection therewith or incidental thereto (including, without limitation, hospitals, nursing homes, assisted living facilities, continuing care facilities, self-care facilities, mental health facilities, wellness and health maintenance centers, medical office facilities, clinics, outpatient surgical centers, alcohol, substance abuse and drug treatment centers, dental care clinics, laboratories, research facilities, sanitariums, hospices, facilities for the residence or care of the elderly, the ~~handicapped~~ disabled, or the chronically ill, residential facilities for nurses, interns, and physicians and any other kind of facility for the diagnosis, treatment, rehabilitation, prevention, or palliation of any human illness, injury, disorder, or disability), together with all related and supporting facilities and equipment necessary and desirable in connection therewith or incidental thereto, or equipment alone, including, without limitation, kitchen, laundry, laboratory, wellness, pharmaceutical, administrative, communications, computer and recreational facilities and equipment, storage space, mobile medical facilities, vehicles and other equipment necessary or desirable for the transportation of medical equipment or the transportation of patients. Dental, medical, and mental health facilities also includes facilities for graduate-level instruction in medicine or dentistry and clinics appurtenant thereto offering free or reduced rate dental, medical, or mental health services to the public.

"Participating locality" means any county or city in the LENOWISCO or Cumberland Plateau Planning District Commissions and the Counties of Smyth and Washington and the City of Bristol with respect to which an authority may be organized and in which it is contemplated that the Authority will function.

**§ 15.2-6314.1. Applicability of the Virginia Personnel Act and the Virginia Public Procurement Act.**

A. Employees of an authority created by a locality shall be exempt from the provisions of the Virginia Personnel Act (§ 2.2-2900 et seq.) if (i) the locality has personnel policies and procedures that are consistent with the goals, objectives, and policies of the Virginia Personnel Act; and (ii) such authority adopts the locality's personnel policies and procedures. In any event, personnel actions shall be taken without regard to race, sex, sexual orientation, gender identity, color, national origin, religion, age, ~~handicap~~ disability, or political affiliation.

B. Any authority created under this chapter shall be subject to the terms of the Virginia Public Procurement Act (§ 2.2-4300 et seq.). Notwithstanding the foregoing, should the ~~United States~~ U.S. Department of Defense place a federal area on a list of installations to be closed or realigned under the authority granted to the ~~United States~~ U.S. Department of Defense pursuant to the federal Defense Base Closure And Realignment Act of 1990 (~~United States Public Law~~ P.L. 101-501, as amended through the National Defense Authorization Act of Fiscal Year 2003), and such federal area is subject to the jurisdiction of an authority created by a locality, such listing of that installation shall qualify as an "emergency" under subsection F of § 2.2-4303 of the Virginia Public Procurement Act.

**§ 20-163. Miscellaneous provisions related to all surrogacy contracts.**

A. The surrogate shall be solely responsible for the clinical management of the pregnancy.

B. After the entry of an order under subsection B of § 20-160 or upon the execution of a contract pursuant to § 20-162, the marriage of the surrogate shall not affect the validity of the order or contract, and her spouse shall not be deemed a party to the contract in the absence of his explicit written consent.

C. Following the entry of an order pursuant to subsection D of § 20-160 or upon the relinquishing of the custody of and parental rights to any resulting child and the filing of the surrogate consent and report form as provided in § 20-162, the intended parent shall have the custody of, parental rights to, and full responsibilities for any child resulting from the performance of assisted conception from a surrogacy agreement regardless of the child's health, physical appearance, any mental or physical ~~handicap~~ disability, and regardless of whether the child is born alive.

D. A child born to a surrogate within 300 days after assisted conception pursuant to an order under subsection B of § 20-160 or a contract under § 20-162 is presumed to result from the assisted conception. This presumption is conclusive as to all persons who fail to file an action to test its validity within two years after the birth of the child. The child and the parties to the contract shall be named as parties in any such action. The action shall be filed in the court that issued or could have issued an order under § 20-160.

E. Health care providers shall not be liable for recognizing the surrogate as the mother of the resulting child before receipt of a copy of an order entered under § 20-160 or a copy of the contract, or for

recognizing the intended parent as the parent of the resulting child after receipt of such order or copy of the contract.

F. Any contract provision requiring or prohibiting an abortion or selective reduction is against the public policy of the Commonwealth and is void and unenforceable.

**§ 22.1-101.1. Increase of funds for certain nonresident students; how increase computed and paid; billing of out-of-state placing agencies or persons.**

A. To the extent such funds are appropriated by the General Assembly, a school division shall be reimbursed for the cost of educating a child who is not a child with disabilities and who is not a resident of such school division under the following conditions:

1. When such child has been placed in foster care or other custodial care within the geographical boundaries of the school division by a Virginia agency, whether state or local, which is authorized under the laws of ~~this~~ the Commonwealth to place children;

2. When such child has been placed within the geographical boundaries of the school division in an orphanage or children's home which exercises legal guardianship rights; or

3. When such child, who is a resident of Virginia, has been placed, not solely for school purposes, in a child-caring institution or group home licensed under the provisions of Chapter 17 (§ 63.2-1700 et seq.) of Title 63.2 which is located within the geographical boundaries of the school division.

B. To the extent such funds are appropriated by the General Assembly, a school division shall be reimbursed for the cost of educating a child with disabilities who is not a resident of such school division under the following conditions:

1. When the child with disabilities has been placed in foster care or other custodial care within the geographical boundaries of the school division by a Virginia agency, whether state or local, which is authorized under the laws of ~~this~~ the Commonwealth to place children;

2. When such child with disabilities has been placed within the geographical boundaries of the school division in an orphanage or children's home which exercises legal guardianship rights; or

3. When such child with disabilities, who is a resident of Virginia, has been placed, not solely for school purposes, in a child-caring institution or group home licensed under the provisions of Chapter 17

375 (§ 63.2-1700 et seq.) of Title 63.2 which is located within the geographical boundaries of the school  
376 division.

377 C. Each school division shall keep an accurate record of the number of days which any child,  
378 identified in subsection A or B-~~above~~, was enrolled in its public schools, the required local expenditure  
379 per child, the ~~handicapping condition~~ specific disability, if applicable, the placing agency or person and  
380 the jurisdiction from which the child was sent. Each school division shall certify this information to the  
381 Board of Education by July 1 following the end of the school year in order to receive proper  
382 reimbursement. No school division shall charge tuition to any such child.

383 D. When a child who is not a resident of Virginia, whether disabled or not, has been placed by an  
384 out-of-state agency or a person who is the resident of another state in foster care or other custodial care or  
385 in a child-caring institution or group home licensed under the provisions of Chapter 17 (§ 63.2-1700 et  
386 seq.) of Title 63.2 located within the geographical boundaries of the school division, the school division  
387 shall not be reimbursed for the cost of educating such child from funds appropriated by the General  
388 Assembly. The school division in which such child has been enrolled shall bill the sending agency or  
389 person for the cost of the education of such child as provided in subsection C of § 22.1-5.

390 The costs of the support and maintenance of the child shall include the cost of the education  
391 provided by the school division; therefore, the sending agency or person shall have the financial  
392 responsibility for the educational costs for the child pursuant to Article V of the Interstate Compact on the  
393 Placement of Children as set forth in Chapters 10 (§ 63.2-1000 et seq.) and 11 (§ 63.2-1100 et seq.) of  
394 Title 63.2. Upon receiving the bill for the educational costs from the school division, the sending agency  
395 or person shall reimburse the billing school division for providing the education of the child. Pursuant to  
396 Article III of the Interstate Compact on the Placement of Children, no sending agency or person shall send,  
397 bring, or cause to be sent or brought into this Commonwealth any child for placement unless the sending  
398 agency or person has complied with this section by honoring the financial responsibility for the  
399 educational cost as billed by a local school division.

400 E. To the extent that state funds appropriated by the General Assembly pursuant to subsection A  
401 or B or other state funds, such as those provided on the basis of average daily membership, do not cover

the full cost of educating a child pursuant to this subsection, a school division shall be reimbursed by (i) the school division in which a child's custodial parent or guardian resides or (ii) in the case of a child who has been placed in the custody of the Department of Social Services, the school division in which the parent or guardian who had custody immediately preceding the placement resides, for any remaining costs of educating such child, whether disabled or not, who has been placed, not solely for school purposes, in (a) foster care or other custodial care within the geographical boundaries of the school division to be reimbursed, or (b) a child-caring institution or group home licensed under the provisions of Chapter 17 (§ 63.2-1700 et seq.) of Title 63.2 that is located within the geographical boundaries of the school division to be reimbursed.

**§ 22.1-183. When warning lights and identification to be covered.**

It ~~shall be~~ is unlawful for a school bus licensed in ~~this~~ the Commonwealth to be operated on the public highways of ~~this~~ the Commonwealth for the purpose of transporting persons or commodities other than school personnel, school children, or elderly or mentally or physically ~~handicapped~~ disabled persons unless the lettered identification and school bus traffic warning lights on the front and rear of such bus are covered with some opaque detachable material. This section shall not apply to any such bus when operated by a salesman or demonstrator in connection with a prospective sale or delivery of a bus.

**§ 22.1-213. Definitions.**

As used in this article:

"Children with disabilities" means those persons (i) who are age two to 21, inclusive, having reached the age of two by the date specified in § 22.1-254; (ii) who have intellectual disability or serious emotional disturbance, are physically disabled, speech impaired, deaf or hard of hearing, visually impaired, or multiple disabled, are otherwise health impaired, including those who have autism spectrum disorder or a specific learning disability, or are otherwise disabled as defined by the Board of Education; and (iii) who because of such impairments need special education.

"Related services" means transportation and such developmental, corrective, and other supportive services as are required to assist a disabled child to benefit from special education, including speech pathology and audiology, psychological services, physical and occupational therapy, recreation, early



identification and assessment of disabilities in children, counseling services, and medical services for diagnostic or evaluation purposes. "Related services" also includes school health services, social work services in schools, and parent counseling and training.

"Special education" means specially designed instruction at no cost to the parent to meet the unique needs of a disabled child, including classroom instruction, home instruction, instruction provided in hospitals and institutions, instruction in physical education, and instruction in career and technical education.

"Specific learning disability" means a disorder in one or more of the basic psychological processes involved in understanding or using language, spoken or written, which may manifest itself in an imperfect ability to listen, think, speak, read, write, spell, or do mathematical calculations. "Specific learning disability" does not include children who have learning problems that are primarily the result of visual, hearing, or motor ~~handicaps~~ impairments, of intellectual disability, or of environmental, cultural, or economic disadvantage.

**§ 22.1-214.3. Department to develop certain curriculum guidelines; Board to approve.**

The Department of Education shall develop curricula for the school-age individuals in state training centers and curriculum guidelines for the school-age individuals in state hospitals operated by the Department of Behavioral Health and Developmental Services in cooperation with the Department of Behavioral Health and Developmental Services and representatives of the teachers employed to provide instruction to the children. Prior to implementation, the Board of Education shall approve these curricula and curriculum guidelines.

These curricula and curriculum guidelines shall be designed to provide a range of programs and suggested program sequences for different functioning levels and ~~handicaps~~ disabilities and shall be reviewed and revised at least every three years. In addition to academic programming, the curriculum guidelines for the school-age individuals in state hospitals operated by the Department of Behavioral Health and Developmental Services shall include affective education and physical education as well as independent living and career and technical education, with particular emphasis on the needs of older adolescents and young adults.

**§ 22.1-270. Preschool physical examinations.**

A. No pupil shall be admitted for the first time to any public kindergarten or elementary school in a school division unless such pupil shall furnish, prior to admission, (i) a report from a qualified licensed physician, or a licensed nurse practitioner or licensed physician assistant acting under the supervision of a licensed physician, of a comprehensive physical examination of a scope prescribed by the State Health Commissioner performed within the 12 months prior to the date such pupil first enters such public kindergarten or elementary school or (ii) records establishing that such pupil furnished such report upon prior admission to another school or school division and providing the information contained in such report.

If the pupil is a homeless child or youth as defined in subdivision A 7 of § 22.1-3, and for that reason cannot furnish the report or records required by clause (i) or (ii) of this subsection, and the person seeking to enroll the pupil furnishes to the school division an affidavit so stating and also indicating that, to the best of his knowledge, such pupil is in good health and free from any communicable or contagious disease, the school division shall immediately refer the student to the local school division liaison, as described in Subtitle VII-B of the federal McKinney-Vento Homeless Assistance Act, as amended (42 U.S.C. § 11431 et seq.) (the Act), who shall, as soon as practicable, assist in obtaining the necessary physical examination by the county or city health department or other clinic or physician's office and shall immediately admit the pupil to school, as required by such Act.

B. The physician, or licensed nurse practitioner or licensed physician assistant acting under the supervision of a licensed physician, making a report of a physical examination required by this section shall, at the end of such report, summarize the abnormal physical findings, if any, and shall specifically state what, if any, conditions are found that would identify the child as handicapped disabled.

C. Such physical examination report shall be placed in the child's health record at the school and shall be made available for review by any employee or official of the State Department of Health or any local health department at the request of such employee or official.

D. Such physical examination shall not be required of any child whose parent shall object on religious grounds and who shows no visual evidence of sickness, provided that such parent shall state in

483 writing that, to the best of his knowledge, such child is in good health and free from any communicable  
484 or contagious disease.

485 E. The health departments of all of the counties and cities of the Commonwealth shall conduct  
486 such physical examinations for medically indigent children without charge upon request and may provide  
487 such examinations to others on such uniform basis as such departments may establish.

488 F. Parents of entering students shall complete a health information form which shall be distributed  
489 by the local school divisions. Such forms shall be developed and provided jointly by the Department of  
490 Education and Department of Health, or developed and provided by the school division and approved by  
491 the Superintendent of Public Instruction. Such forms shall be returnable within 15 days of receipt unless  
492 reasonable extensions have been granted by the superintendent or his designee. Upon failure of the parent  
493 to complete such form within the extended time, the superintendent may send to the parent written notice  
494 of the date he intends to exclude the child from school; however, no child who is a homeless child or youth  
495 as defined in subdivision A 7 of § 22.1-3 shall be excluded from school for such failure to complete such  
496 form.

497 **§ 22.1-290.02. Traineeships for education of special education personnel.**

498 A. There are hereby established traineeships that shall be awarded to persons who are interested  
499 in working in programs for the education of ~~handicapped~~ children with disabilities for either part-time or  
500 full-time study in programs designed to qualify them as special education personnel in the public schools.  
501 Applicants for such traineeships shall be graduates of a recognized institution of higher education.

502 B. The award of such traineeships shall be made by the State Board, and the number of awards  
503 during any one year shall depend upon the amounts appropriated by the General Assembly for this  
504 purpose. The amount awarded for each traineeship shall be \$450 for a minimum of six semester hours of  
505 course work in areas relating to special education to be taken by the applicant during a single semester or  
506 summer session.

507 C. This program shall be administered by the Department of Education under rules and regulations  
508 promulgated by the State Board.

509 **§ 23.1-1000. Definitions.**

510 As used in this chapter, unless the context requires a different meaning:

511 "Bonds, notes, or other obligations" means bonds, notes, commercial paper, bond anticipation  
512 notes, revenue certificates, capital leases, lease participation certificates, or other evidences of  
513 indebtedness or deferred purchase financing arrangements.

514 "Capital project" means the acquisition of any interest in land, including (i) capital leases and (ii)  
515 improvements on the acquired land consisting of (a) new construction of at least 5,000 square feet, (b)  
516 new construction costing at least \$2 million, or (c) improvements or renovations costing at least \$2 million.

517 "Covered employee" means any individual who is employed by a covered institution on either a  
518 salaried or wage basis.

519 "Covered institution" means a public institution of higher education that has entered into a  
520 management agreement with the Commonwealth to be governed by the provisions of Article 4 (§ 23.1-  
521 1004 et seq.).

522 "Enabling statutes" means each chapter in Subtitle IV (§ 23.1-1300 et seq.), and in the case of the  
523 University of Virginia Medical Center §§ 2.2-2817.2, 2.2-2905, 51.1-126.3, and 51.1-1100, creating,  
524 continuing, or otherwise setting forth the powers, duties, purposes, and missions of each individual public  
525 institution of higher education unless otherwise expressly provided in this chapter.

526 "Facilities" means all (i) real, personal, tangible, and intangible property, including all (a)  
527 infrastructure suitable for supporting a covered institution's mission and ancillary activities and (b)  
528 structures, buildings, improvements, additions, extensions, replacements, appurtenances, lands, rights in  
529 land, furnishings, landscaping, approaches, roadways, and other related and supporting facilities held,  
530 possessed, owned, leased, operated, or used, in whole or in part, by a covered institution and (ii) rights in  
531 such property.

532 "Includes" has the same meaning as provided in § 1-218.

533 "Management agreement" means an agreement between the Commonwealth and a public  
534 institution of higher education that enables such institution to be governed by Article 4 (§ 23.1-1004 et  
535 seq.).

536 "Participating covered employee" includes (i) all salaried nonfaculty covered employees who were  
537 employed by the covered institution on the day prior to the effective date of the initial management  
538 agreement and elect pursuant to § 23.1-1022 to participate in and be governed by the program, plans,  
539 policies, and procedures established by the institution pursuant to Article 4 (§ 23.1-1004 et seq.); (ii) all  
540 salaried nonfaculty covered employees who are employed by the covered institution on or after the  
541 effective date of the initial management agreement; (iii) all nonsalaried nonfaculty covered employees of  
542 the covered institution without regard to when they were hired; (iv) all faculty covered employees of the  
543 covered institution without regard to when they were hired; and (v) all employees of the University of  
544 Virginia Medical Center without regard to when they were hired.

545 "Project" means (i) any research program, research facility, or educational facility of a covered  
546 institution or equipment necessary or convenient to or consistent with the purposes of such institution,  
547 whether or not owned by the institution, including (a) research, training, teaching, dormitory, and  
548 classroom facilities and all related and supporting facilities and equipment necessary or desirable in  
549 connection with such facilities or incidental to such facilities; (b) office, parking, kitchen, laundry,  
550 laboratory, wellness, pharmaceutical, administrative, communications, computer, and recreational and  
551 athletics facilities; (c) hotels and related facilities; (d) power plants and equipment; (e) storage space; (f)  
552 hospitals; (g) nursing homes; (h) continuing care facilities; (i) self-care facilities; (j) health maintenance  
553 centers; (k) medical office facilities; (l) clinics; (m) outpatient clinics; (n) surgical centers; (o) alcohol,  
554 substance abuse, and drug treatment centers; (p) sanitariums; (q) hospices; (r) facilities for the residence  
555 or care of the elderly, ~~handicapped~~ disabled, or chronically ill; (s) residential facilities for nurses, interns,  
556 and physicians; (t) other facilities for the treatment of sick, disturbed, or infirm individuals, the prevention  
557 of disease, or the maintenance of health; (u) colleges, schools, or divisions offering undergraduate,  
558 graduate, professional, or extension programs, or any combination of such programs, for such courses of  
559 study as may be appropriate; (v) vehicles, mobile medical facilities, and other transportation equipment;  
560 and (w) air transport equipment, including equipment necessary or desirable for the transportation of  
561 medical equipment, medical personnel, or patients; and (ii) all lands, buildings, improvements,

562 approaches, and appurtenances necessary or desirable in connection with or incidental to any such  
563 program, facility, or equipment.

564 "Virginia Retirement System" includes any retirement system established or authorized by Title  
565 51.1.

566 **§ 23.1-2400. Definitions.**

567 As used in this chapter, unless the context requires a different meaning:

568 "Authority" means the Virginia Commonwealth University Health System Authority.

569 "Board" means the board of directors of the Authority.

570 "Bonds" means bonds, notes, revenue certificates, lease participation certificates, or other  
571 evidences of indebtedness or deferred purchase financing arrangements.

572 "Chief executive officer" means the chief executive officer of the Virginia Commonwealth  
573 University Health System Authority.

574 "Costs" means (i) costs of (a) construction, reconstruction, renovation, site work, and acquisition  
575 of lands, structures, rights-of-way, franchises, easements, and other property rights and interests; (b)  
576 demolition, removal, or relocation of buildings or structures; (c) labor, materials, machinery, and all other  
577 kinds of equipment; (d) engineering and inspections; (e) financial, legal, and accounting services; (f) plans,  
578 specifications, studies, and surveys; (g) estimates of costs and of revenues; (h) feasibility studies; and (i)  
579 issuance of bonds, including printing, engraving, advertising, legal, and other similar expenses; (ii)  
580 financing charges; (iii) administrative expenses, including administrative expenses during the start-up of  
581 any project; (iv) credit enhancement and liquidity facility fees; (v) fees for interest rate caps, collars,  
582 swaps, or other financial derivative products; (vi) interest on bonds in connection with a project prior to  
583 and during construction or acquisition thereof and for a period not exceeding one year thereafter; (vii)  
584 provisions for working capital to be used in connection with any project; (viii) redemption premiums,  
585 obligations purchased to provide for the payment of bonds being refunded, and other costs necessary or  
586 incident to refunding of bonds; (ix) operating and maintenance reserve funds, debt reserve funds, and other  
587 reserves for the payment of principal and interest on bonds; (x) all other expenses necessary, desirable, or  
588 incidental to the operation of the Authority's facilities or the construction, reconstruction, renovation,

589 acquisition, or financing of projects, other facilities, or equipment appropriate for carrying out the  
590 purposes of this chapter and the placing of the same in operation; or (xi) the refunding of bonds.

591 "Hospital facilities" means all property or rights in property, real and personal, tangible and  
592 intangible, including all facilities suitable for providing hospital and health care services and all structures,  
593 buildings, improvements, additions, extensions, replacements, appurtenances, lands, rights in land,  
594 furnishings, landscaping, approaches, roadways, and other related and supporting facilities owned, leased,  
595 operated, or used, in whole or in part, by Virginia Commonwealth University as part of, or in connection  
596 with, MCV Hospitals in the normal course of its operations as a teaching, research, and medical treatment  
597 facility.

598 "Hospital obligations" means all debts or other obligations, contingent or certain, owing to any  
599 person or other entity on the transfer date, arising out of the operation of MCV Hospitals as a medical  
600 treatment facility or the financing or refinancing of hospital facilities and including all bonds and other  
601 debts for the purchase of goods and services, whether or not delivered, and obligations for the delivery of  
602 services, whether or not performed.

603 "Project" means any health care, research, or educational facility or equipment necessary or  
604 convenient to or consistent with the purposes of the Authority, whether owned by the Authority, including  
605 hospitals; nursing homes; continuing care facilities; self-care facilities; wellness and health maintenance  
606 centers; medical office facilities; clinics; outpatient clinics; surgical centers; alcohol, substance abuse, and  
607 drug treatment centers; laboratories; sanitariums; hospices; facilities for the residence or care of the  
608 elderly, the ~~handicapped~~ disabled, or the chronically ill; residential facilities for nurses, interns, and  
609 physicians; other kinds of facilities for the treatment of sick, disturbed, or infirm individuals, the  
610 prevention of disease, or maintenance of health; colleges, schools, or divisions offering undergraduate or  
611 graduate programs for the health professions and sciences and such other courses of study as may be  
612 appropriate, together with research, training, and teaching facilities; all necessary or desirable related and  
613 supporting facilities and equipment or equipment alone, including (i) parking, kitchen, laundry, laboratory,  
614 wellness, pharmaceutical, administrative, communications, computer, and recreational facilities; (ii)  
615 power plants and equipment; (iii) storage space; (iv) mobile medical facilities; (v) vehicles; (vi) air

transport equipment; and (vii) other equipment necessary or desirable for the transportation of medical equipment, medical personnel, or patients; and all lands, buildings, improvements, approaches, and appurtenances necessary or desirable in connection with or incidental to any project.

"Transfer date" means a date or dates agreed to by the board of visitors of Virginia Commonwealth University and the Authority for the transfer of employees to the Authority and for the transfer of hospital facilities, or any parts thereof, to and the assumption, directly or indirectly, of hospital obligations by the Authority, which dates for the various transfers and the various assumptions may be different, but in no event shall any date be later than June 30, 1997.

"University" means Virginia Commonwealth University.

**§ 25.1-400. Definitions.**

As used in this chapter, unless the context requires a different meaning:

"Business" means any lawful activity, except a farm operation, conducted primarily:

1. For the purchase, sale, lease and rental of personal and of real property, and for the manufacture, processing, or marketing of products, commodities, or any other personal property;
2. For the sale of services to the public;
3. By a nonprofit organization; or
4. Solely for the purposes of § 25.1-406, for assisting in the purchase, sale, resale, manufacture, processing, or marketing of products, commodities, personal property, or services by the erection and maintenance of an outdoor advertising display or displays, whether or not such display or displays are located on the premises on which any of the above activities are conducted.

"Comparable replacement dwelling" means any dwelling that is (i) decent, safe and sanitary; (ii) adequate in size to accommodate the occupants; (iii) within the financial means of the displaced person; (iv) functionally equivalent; (v) in an area not subject to unreasonable adverse environmental conditions; and (vi) in a location generally not less desirable than the location of the displaced person's dwelling with respect to public utilities, facilities, services and the displaced person's place of employment.

"Decent, safe, and sanitary dwelling" means a dwelling that:

1. Is structurally sound, weather tight and in good repair;



- 643 2. Has a safe electrical wiring system adequate for lighting and appliances;  
644 3. Contains a heating system capable of maintaining a healthful temperature;  
645 4. Is adequate in size with respect to the number of rooms and area of living space needed to  
646 accommodate the displaced household;  
647 5. Has a separate, well-lighted and ventilated bathroom that provides privacy to the user and  
648 contains sink, toilet, and bathing facilities (shower or bath, or both), all operational and connected to a  
649 functional water and sewer disposal system;  
650 6. Provides unobstructed egress to safe open space at ground level. If the unit is above the first  
651 floor and served by a common corridor, there must be two means of egress; and  
652 7. Is free of barriers to egress, ingress, and use by a displaced person who is ~~handicapped~~ disabled.  
653 "Displaced person" means:  
654 1. Any person who moves from real property, or moves his personal property from real property  
655 (i) as a direct result of a written notice of intent to acquire or the acquisition of such real property, in whole  
656 or in part, for any program or project undertaken by a state agency or (ii) on which such person is a  
657 residential tenant or conducts a small business, a farm operation or a business described in clause 4 of the  
658 definition of "business" in this section as a direct result of rehabilitation, demolition, or other displacing  
659 activity as the state agency may prescribe, under a program or project undertaken by the state agency in  
660 any case in which the state agency determines that such displacement is permanent;  
661 2. Solely for the purposes of §§ 25.1-406, 25.1-407, and 25.1-411, any person who moves from  
662 real property, or moves his personal property from real property: (i) as a direct result of a written notice  
663 of intent to acquire or the acquisition of other real property, in whole or in part, on which such person  
664 conducts a business or farm operation, for a program or project undertaken by a state agency or (ii) as a  
665 direct result of rehabilitation, demolition, or other displacing activity as the state agency may prescribe,  
666 of other real property on which such person conducts a business or farm operation, under a program or  
667 project undertaken by the state agency in any case in which the state agency determines that such  
668 displacement is permanent; and

669           3. Any person who moves or discontinues his business or moves other personal property, or moves  
670 from his dwelling, as the direct result of (i) federally assisted activities for the enforcement of a building  
671 code or other similar code or (ii) a program of rehabilitation or demolition of buildings conducted pursuant  
672 to a federally assisted governmental program.

673           The term "displaced person" does not include (i) a person who has been determined, according to  
674 criteria established by the state agency, to be either in unlawful occupancy of the displacement dwelling  
675 or to have occupied such dwelling for the purpose of obtaining assistance under this chapter or (ii) in any  
676 case where the state agency acquires property for a program or project, any person, other than a person  
677 who was an occupant of the property at the time it was acquired, who occupies such property on a rental  
678 basis for a short term or a period subject to termination when the property is needed for the program or  
679 project.

680           "Dwelling" means the place of permanent or customary and usual residence of a person, according  
681 to local custom or law, including a single-family house, a single family unit in a two-family, multi-family,  
682 or multi-purpose property; a unit of a condominium or cooperative housing project; a nonhousekeeping  
683 unit; a mobile home; or any other residential unit.

684           "Farm operation" means any activity conducted solely or primarily for the production of one or  
685 more agricultural products or commodities, including timber, for sale or home use, and customarily  
686 producing such products or commodities in sufficient quantity to be capable of contributing materially to  
687 the operator's support.

688           "Mortgage" means such classes of liens as are commonly given to secure advances on, or the  
689 unpaid purchase price of, real property, together with the credit instruments, if any, secured thereby.

690           "Nonprofit organization" means an organization that is exempt from paying federal income taxes  
691 under § 501 of the Internal Revenue Code (26 U.S.C. § 501).

692           "Person" means any (i) individual or (ii) partnership, corporation, limited liability company,  
693 association, or other business entity.

694 "Uneconomic remnant" means a parcel of real property in which the owner is left with an interest  
695 after the partial acquisition of the owner's property and which the state agency has determined has little or  
696 no value or utility to the owner.

697 **§ 29.1-314. Special fishing permits for certain disabled persons.**

698 A. Upon receipt of an application from an officer or designated representative of any organized  
699 group of physically or mentally ~~handicapped~~ disabled persons who meet on a regular basis, including  
700 students at schools for the blind or deaf, the Director may issue not more than two permits of one day  
701 each, in any calendar year, to such group to fish without licenses in public waters open to fishing. The  
702 permits shall not be issued for use in designated waters stocked with trout or in waters where a daily  
703 fishing fee has been imposed pursuant to § 29.1-318; however, a permit may be issued to such group to  
704 fish without licenses on the second Saturday of May in designated waters stocked with trout.

705 B. The application for the permit shall state the name and description of the group, the date upon  
706 which it will be used, the general area in which it will be used, and the name of the person or organization  
707 responsible for the group.

708 **§ 32.1-78. Reporting information about children with health problems or disabilities.**

709 Notwithstanding § 32.1-271 or any other law to the contrary, the Commissioner shall report to the  
710 Superintendent of Public Instruction or to the appropriate school division superintendent within the  
711 Commonwealth the identity of, and pertinent information about, children with health problems or  
712 ~~handicapping conditions which~~ disabilities that might affect the child's career in school and his need for  
713 special education.

714 **§ 33.2-613. Free use of toll facilities by certain state officers and employees; penalties.**

715 A. Upon presentation of a toll pass issued pursuant to regulations promulgated by the Board, the  
716 following persons may use all toll bridges, toll ferries, toll tunnels, and toll roads in the Commonwealth  
717 without the payment of toll while in the performance of their official duties:

- 718 1. The Commissioner of Highways;  
719 2. Members of the Commonwealth Transportation Board;  
720 3. Employees of the Department of Transportation;

- 721 4. The Superintendent of the Department of State Police;
- 722 5. Officers and employees of the Department of State Police;
- 723 6. Members of the Board of Directors of the Virginia Alcoholic Beverage Control Authority;
- 724 7. Employees of the regulatory and hearings divisions of the Virginia Alcoholic Beverage Control
- 725 Authority and special agents of the Virginia Alcoholic Beverage Control Authority;
- 726 8. The Commissioner of the Department of Motor Vehicles;
- 727 9. Employees of the Department of Motor Vehicles;
- 728 10. Local police officers;
- 729 11. Sheriffs and their deputies;
- 730 12. Regional jail officials;
- 731 13. Animal wardens;
- 732 14. The Director and officers of the Department of Wildlife Resources;
- 733 15. Persons operating firefighting equipment and emergency medical services vehicles as defined
- 734 in § 32.1-111.1;
- 735 16. Operators of school buses being used to transport pupils to or from schools;
- 736 17. Operators of (i) commuter buses having a capacity of 20 or more passengers, including the
- 737 driver, and used to regularly transport workers to and from their places of employment and (ii) public
- 738 transit buses;
- 739 18. Employees of the Department of Rail and Public Transportation;
- 740 19. Employees of any transportation facility created pursuant to the Virginia Highway Corporation
- 741 Act of 1988; and
- 742 20. Law-enforcement officers of the Virginia Marine Resources Commission.
- 743 B. Notwithstanding the provision of subsection A requiring presentation of a toll pass for toll-free
- 744 use of such facilities, in cases of emergency and circumstances of concern for public safety on the
- 745 highways of the Commonwealth, the Department of Transportation shall, in order to alleviate an actual or
- 746 potential threat or risk to the public's safety, facilitate the flow of traffic on or within the vicinity of the
- 747 toll facility by permitting the temporary suspension of toll collection operations on its facilities.

748 1. The assessment of the threat to public safety shall be performed and the decision temporarily to  
749 suspend toll collection operations shall be made by the Commissioner of Highways or his designee.

750 2. Major incidents that may require the temporary suspension of toll collection operations shall  
751 include (i) natural disasters, such as hurricanes, tornadoes, fires, and floods; (ii) accidental releases of  
752 hazardous materials, such as chemical spills; (iii) major traffic accidents, such as multivehicle collisions;  
753 and (iv) other incidents deemed to present a risk to public safety. Any mandatory evacuation during a state  
754 of emergency as defined in § 44-146.16 shall require the temporary suspension of toll collection operations  
755 in affected evacuation zones on routes designated as mass evacuation routes. The Commissioner of  
756 Highways shall reinstate toll collection when the mandatory evacuation period ends.

757 3. In any judicial proceeding in which a person is found to be criminally responsible or civilly  
758 liable for any incident resulting in the suspension of toll collections as provided in this subsection, the  
759 court may assess against the person an amount equal to lost toll revenue as a part of the costs of the  
760 proceeding and order that such amount, not to exceed \$2,000 for any individual incident, be paid to the  
761 Department of Transportation for deposit into the toll road fund.

762 C. Any tollgate keeper who refuses to permit the persons listed in subsection A to use any toll  
763 bridge, toll ferry, toll tunnel, or toll road upon presentation of such a toll pass is guilty of a misdemeanor  
764 punishable by a fine of not more than \$50 and not less than \$2.50. Any person other than those listed in  
765 subsection A who exhibits any such toll pass for the purpose of using any toll bridge, toll ferry, toll tunnel,  
766 or toll road is guilty of a Class 1 misdemeanor.

767 D. Any vehicle operated by the holder of a valid driver's license or other document issued under  
768 Chapter 3 (§ 46.2-300 et seq.) of Title 46.2, or the comparable law of another jurisdiction, authorizing the  
769 operation of a motor vehicle upon the highways shall be allowed free use of all toll bridges, toll roads, and  
770 other toll facilities in the Commonwealth if:

771 1. The vehicle is specially equipped to permit its operation by a ~~handicapped~~ disabled person;

772 2. The driver of the vehicle has been certified, either by a physician licensed by the Commonwealth  
773 or any other state or by the Adjudication Office of the U.S. Department of Veterans Affairs, as being

774 severely physically disabled and having permanent upper limb mobility or dexterity impairments that  
775 substantially impair his ability to deposit coins in toll baskets;

776 3. The driver has applied for and received from the Department of Transportation a vehicle window  
777 sticker identifying him as eligible for such free passage; and

778 4. Such identifying window sticker is properly displayed on the vehicle.

779 A copy of this subsection shall be posted at all toll bridges, toll roads, and other toll facilities in  
780 the Commonwealth. The Department of Transportation shall provide envelopes for payments of tolls by  
781 those persons exempted from tolls pursuant to this subsection and shall accept any payments made by  
782 such persons.

783 E. Nothing contained in this section or in § 33.2-612 or 33.2-1718 shall operate to affect the  
784 provisions of § 22.1-187.

785 F. Notwithstanding the provisions of subsections A, B, and C, only the following persons may use  
786 the Chesapeake Bay Bridge-Tunnel, facilities of the Richmond Metropolitan Transportation Authority, or  
787 facilities of an operator authorized to operate a toll facility pursuant to the Public-Private Transportation  
788 Act of 1995 (§ 33.2-1800 et seq.) without the payment of toll when necessary and incidental to the conduct  
789 of official business:

- 790 1. The Commissioner of Highways;  
791 2. Members of the Commonwealth Transportation Board;  
792 3. Employees of the Department of Transportation;  
793 4. The Superintendent of the Department of State Police;  
794 5. Officers and employees of the Department of State Police;  
795 6. The Commissioner of the Department of Motor Vehicles;  
796 7. Employees of the Department of Motor Vehicles; and  
797 8. Sheriffs and deputy sheriffs.

798 However, in the event of a mandatory evacuation and suspension of tolls pursuant to subdivision  
799 B 2, the Commissioner of Highways or his designee shall order the temporary suspension of toll collection  
800 operations on facilities of all operators authorized to operate a toll facility pursuant to the Public-Private

Transportation Act of 1995 (§ 33.2-1800 et seq.) that has been designated as a mass evacuation route in affected evacuation zones, to the extent such order is necessary to facilitate evacuation and is consistent with the terms of the applicable comprehensive agreement between the operator and the Department. The Commissioner of Highways shall authorize the reinstatement of toll collections suspended pursuant to this subsection when the mandatory evacuation period ends or upon the reinstatement of toll collections on other tolled facilities in the same affected area, whichever occurs first.

G. Any vehicle operated by a quadriplegic driver shall be allowed free use of all toll facilities in Virginia controlled by the Richmond Metropolitan Transportation Authority, pursuant to the requirements of subdivisions D 1 through 4.

H. Vehicles transporting two or more persons, including the driver, may be permitted toll-free use of the Dulles Toll Road during rush hours by the Board; however, notwithstanding the provisions of subdivision B 1 of § 56-543, such vehicles shall not be permitted toll-free use of a roadway as defined pursuant to the Virginia Highway Corporation Act of 1988 (§ 56-535 et seq.).

#### **§ 36-96.1:1. Definitions.**

For the purposes of this chapter, unless the context requires a different meaning:

"Aggrieved person" means any person who (i) claims to have been injured by a discriminatory housing practice or (ii) believes that such person will be injured by a discriminatory housing practice that is about to occur.

"Assistance animal" means an animal that works, provides assistance, or performs tasks for the benefit of a person with a disability, or provides emotional support that alleviates one or more identified symptoms or effects of a person's disability. Assistance animals perform many disability-related functions, including guiding individuals who are blind or have low vision, alerting individuals who are deaf or hard of hearing to sounds, providing protection or rescue assistance, pulling a wheelchair, fetching items, alerting persons to impending seizures, or providing emotional support to persons with disabilities who have a disability-related need for such support. An assistance animal is not required to be individually trained or certified. While dogs are the most common type of assistance animal, other animals can also be assistance animals. An assistance animal is not a pet.

828 "Complainant" means a person, including the Fair Housing Board, who files a complaint under §  
829 36-96.9.

830 "Conciliation" means the attempted resolution of issues raised by a complainant, or by the  
831 investigation of such complaint, through informal negotiations involving the aggrieved person, the  
832 respondent, their respective authorized representatives and the Fair Housing Board.

833 "Conciliation agreement" means a written agreement setting forth the resolution of the issues in  
834 conciliation.

835 "Disability" means, with respect to a person, (i) a physical or mental impairment that substantially  
836 limits one or more of such person's major life activities; (ii) a record of having such an impairment; or (iii)  
837 being regarded as having such an impairment. The term does not include current, illegal use of or addiction  
838 to a controlled substance as defined in Virginia or federal law. ~~For the purposes of this chapter, the terms~~  
839 ~~"disability" and "handicap" shall be interchangeable.~~

840 "Discriminatory housing practices" means an act that is unlawful under § 36-96.3, 36-96.4, 36-  
841 96.5, or 36-96.6.

842 "Dwelling" means any building, structure, or portion thereof that is occupied as, or designated or  
843 intended for occupancy as, a residence by one or more families, and any vacant land that is offered for  
844 sale or lease for the construction or location thereon of any such building, structure, or portion thereof.

845 "Elderliness" means an individual who has attained his fifty-fifth birthday.

846 "Familial status" means one or more individuals who have not attained the age of 18 years being  
847 domiciled with (i) a parent or other person having legal custody of such individual or individuals or (ii)  
848 the designee of such parent or other person having custody with the written permission of such parent or  
849 other person. The term "familial status" also includes any person who is pregnant or is in the process of  
850 securing legal custody of any individual who has not attained the age of 18 years. For purposes of this  
851 section, "in the process of securing legal custody" means having filed an appropriate petition to obtain  
852 legal custody of such minor in a court of competent jurisdiction.

853 "Family" includes a single individual, whether male or female.



854 "Lending institution" includes any bank, savings institution, credit union, insurance company or  
855 mortgage lender.

856 "Major life activities" includes any the following functions: caring for oneself, performing manual  
857 tasks, walking, seeing, hearing, speaking, breathing, learning, and working.

858 "Military status" means status as (i) a member of the uniformed forces, as defined in 10 U.S.C. §  
859 101(a)(5), of the United States or a reserve component thereof named under 10 U.S.C. § 10101, (ii) a  
860 veteran as defined in 38 U.S.C. § 101(2), or (iii) a dependent as defined in 50 U.S.C. § 3911(4) except  
861 that the support provided by the service member to the individual shall have been provided 180 days  
862 immediately preceding an alleged action that if proven true would constitute unlawful discrimination  
863 under this section instead of 180 days immediately preceding an application for relief under 50 U.S.C.  
864 Chapter 50.

865 "Person" means one or more individuals, whether male or female, corporations, partnerships,  
866 associations, labor organizations, fair housing organizations, civil rights organizations, organizations,  
867 governmental entities, legal representatives, mutual companies, joint stock companies, trusts,  
868 unincorporated organizations, trustees, trustees in bankruptcy, receivers and fiduciaries.

869 "Physical or mental impairment" includes any of the following: (i) any physiological disorder or  
870 condition, cosmetic disfigurement, or anatomical loss affecting one or more of the following body  
871 systems: neurological; musculoskeletal; special sense organs; respiratory, including speech organs;  
872 cardiovascular; reproductive; digestive; genito-urinary; hemic and lymphatic; skin; or endocrine or (ii)  
873 any mental or psychological disorder, such as an intellectual or developmental disability, organic brain  
874 syndrome, emotional or mental illness, or specific learning disability. "Physical or mental impairment"  
875 includes such diseases and conditions as orthopedic, visual, speech, and hearing impairments; cerebral  
876 palsy; autism; epilepsy; muscular dystrophy; multiple sclerosis; cancer; heart disease; diabetes; human  
877 immunodeficiency virus infection; intellectual and developmental disabilities; emotional illness; drug  
878 addiction other than addiction caused by current, illegal use of a controlled substance; and alcoholism.

879 "Religion" includes any outward expression of religious faith, including adherence to religious  
880 dressing and grooming practices and the carrying or display of religious items or symbols.

881 "Respondent" means any person or other entity alleged to have violated the provisions of this  
882 chapter, as stated in a complaint filed under the provisions of this chapter and any other person joined  
883 pursuant to the provisions of § 36-96.9.

884 "Restrictive covenant" means any specification in any instrument affecting title to real property  
885 that purports to limit the use, occupancy, transfer, rental, or lease of any dwelling because of race, color,  
886 religion, national origin, sex, elderliness, familial status, sexual orientation, gender identity, military  
887 status, or disability.

888 "Source of funds" means any source that lawfully provides funds to or on behalf of a renter or  
889 buyer of housing, including any assistance, benefit, or subsidy program, whether such program is  
890 administered by a governmental or nongovernmental entity.

891 "To rent" means to lease, to sublease, to let, or otherwise to grant for consideration the right to  
892 occupy premises not owned by the occupant.

893 **§ 36-98.1. State buildings; exception for certain assets owned by the Department of**  
894 **Transportation.**

895 A. The Building Code shall be applicable to all state-owned buildings and structures, and to all  
896 buildings and structures built on state-owned property, with the exception that §§ 2.2-1159 through 2.2-  
897 1161 shall provide the standards for ready access to and use of state-owned buildings by the physically  
898 [handicapped disabled](#).

899 Any state-owned building or structure, or building or structure built on state-owned property, for  
900 which preliminary plans were prepared or on which construction commenced after the initial effective  
901 date of the Uniform Statewide Building Code, shall remain subject to the provisions of the Uniform  
902 Statewide Building Code that were in effect at the time such plans were completed or such construction  
903 commenced. Subsequent reconstruction, renovation or demolition of such building or structure shall be  
904 subject to the pertinent provisions of the Building Code.

905 Acting through the Division of Engineering and Buildings, the Department of General Services  
906 shall function as the building official for any state-owned buildings or structures and for all buildings and  
907 structures built on state-owned property. The Department shall review and approve plans and

908 specifications, grant modifications, and establish such rules and regulations as may be necessary to  
909 implement this section. It may provide for the (i) inspection of state-owned buildings or structures and for  
910 all buildings and structures built on state-owned property and (ii) enforcement of the Building Code and  
911 standards for access by the physically ~~handicapped~~ disabled by delegating inspection and Building Code  
912 enforcement duties to the State Fire Marshal's Office, to other appropriate state agencies having needed  
913 expertise, and to local building departments, all of which shall provide such assistance within a reasonable  
914 time and in the manner requested. State agencies and institutions occupying buildings shall pay to the  
915 local building department the same fees as would be paid by a private citizen for the services rendered  
916 when such services are requested by the Department of General Services. The Department of General  
917 Services may alter or overrule any decision of the local building department after having first considered  
918 the local building department's report or other rationale given for its decision. When altering or overruling  
919 any decision of a local building department, the Department of General Services shall provide the local  
920 building department with a written summary of its reasons for doing so.

921 B. Notwithstanding the provisions of subsection A and § 27-99, roadway tunnels and bridges  
922 owned by the Department of Transportation shall be exempt from the Building Code and the Statewide  
923 Fire Prevention Code Act (§ 27-94 et seq.). The Department of General Services shall not have jurisdiction  
924 over such roadway tunnels, bridges, and other limited access highways; provided, however, that the  
925 Department of General Services shall have jurisdiction over any occupied buildings within any  
926 Department of Transportation rights-of-way that are subject to the Building Code.

927 Roadway tunnels and bridges shall be designed, constructed, and operated to comply with fire  
928 safety standards based on nationally recognized model codes and standards to be developed by the  
929 Department of Transportation in consultation with the State Fire Marshal. Emergency response planning  
930 and activities related to the standards shall be developed by the Department of Transportation and  
931 coordinated with the appropriate local officials and emergency services providers. On an annual basis the  
932 Department of Transportation shall provide a report on the maintenance and operability of installed fire  
933 protection and detection systems in roadway tunnels and bridges to the State Fire Marshal.

934 C. Except as provided in subsection E of § 23.1-1016, and notwithstanding the provisions of  
935 subsection A, at the request of a public institution of higher education, the Department, as further set forth  
936 in this subsection, shall authorize that institution of higher education to contract with a building official  
937 of the locality in which the construction is taking place to perform any inspection and certifications  
938 required for the purpose of complying with the Uniform Statewide Building Code (§ 36-97 et seq.). The  
939 Department shall publish administrative procedures that shall be followed in contracting with a building  
940 official of the locality. The authority granted to a public institution of higher education under this  
941 subsection to contract with a building official of the locality shall be subject to the institution meeting the  
942 conditions prescribed in subsection A of § 23.1-1002.

943 D. This section shall not apply to the nonhabitable structures, equipment, and wiring owned by a  
944 public service company, a certificated provider of telecommunications services, or a franchised cable  
945 operator that are built on rights-of-way owned or controlled by the Commonwealth Transportation Board.

946 **§ 36-99. Provisions of Code; modifications.**

947 A. The Building Code shall prescribe building regulations to be complied with in the construction  
948 and rehabilitation of buildings and structures, and the equipment therein as defined in § 36-97, and shall  
949 prescribe regulations to ensure that such buildings and structures are properly maintained, and shall also  
950 prescribe procedures for the administration and enforcement of such regulations, including procedures to  
951 be used by the local building department in the evaluation and granting of modifications for any provision  
952 of the Building Code, provided the spirit and functional intent of the Building Code are observed and  
953 public health, welfare and safety are assured. The provisions of the Building Code and modifications  
954 thereof shall be such as to protect the health, safety and welfare of the residents of the Commonwealth,  
955 provided that buildings and structures should be permitted to be constructed, rehabilitated and maintained  
956 at the least possible cost consistent with recognized standards of health, safety, energy conservation and  
957 water conservation, including provisions necessary to prevent overcrowding, rodent or insect infestation,  
958 and garbage accumulation; and barrier-free provisions for the physically ~~handicapped~~ disabled and the  
959 aged. Such regulations shall be reasonable and appropriate to the objectives of this chapter.

960           B. In formulating the Code provisions, the Board shall have due regard for generally accepted  
961 standards as recommended by nationally recognized organizations, including, but not limited to, the  
962 standards of the International Code Council and the National Fire Protection Association. Notwithstanding  
963 the provisions of this section, farm buildings and structures shall be exempt from the provisions of the  
964 Building Code, except for a building or a portion of a building located on a farm that is operated as a  
965 restaurant as defined in § 35.1-1 and licensed as such by the Board of Health pursuant to Chapter 2 (§  
966 35.1-11 et seq.) of Title 35.1. However, farm buildings and structures lying within a flood plain or in a  
967 mudslide-prone area shall be subject to flood-proofing regulations or mudslide regulations, as applicable.

968           C. Where practical, the Code provisions shall be stated in terms of required level of performance,  
969 so as to facilitate the prompt acceptance of new building materials and methods. When generally  
970 recognized standards of performance are not available, such provisions shall provide for acceptance of  
971 materials and methods whose performance has been found by the local building department, on the basis  
972 of reliable test and evaluation data, presented by the proponent, to be substantially equal in safety to those  
973 specified.

974           D. The Board, upon a finding that sufficient allegations exist regarding failures noted in several  
975 localities of performance standards by either building materials, methods, or design, may conduct hearings  
976 on such allegations if it determines that such alleged failures, if proven, would have an adverse impact on  
977 the health, safety, or welfare of the citizens of the Commonwealth. After at least 21 days' written notice,  
978 the Board shall convene a hearing to consider such allegations. Such notice shall be given to the known  
979 manufacturers of the subject building material and as many other interested parties, industry  
980 representatives, and trade groups as can reasonably be identified. Following the hearing, the Board, upon  
981 finding that (i) the current technical or administrative Code provisions allow use of or result in defective  
982 or deficient building materials, methods, or designs, and (ii) immediate action is necessary to protect the  
983 health, safety, and welfare of the citizens of the Commonwealth, may issue amended regulations  
984 establishing interim performance standards and Code provisions for the installation, application, and use  
985 of such building materials, methods or designs in the Commonwealth. Such amended regulations shall  
986 become effective upon their publication in the Virginia Register of Regulations. Any amendments to

regulations adopted pursuant to this subsection shall become effective upon their publication in the Virginia Register of Regulations and shall be effective for a period of 24 months or until adopted, modified, or repealed by the Board.

**§ 38.2-3323. Group life insurance coverages of spouses, dependent children, and other persons.**

A. Coverage under a group life insurance policy, except a policy issued pursuant to § 38.2-3318.1

B, may be extended to insure:

1. The spouse and any child who is under the age of 19 years or who is a dependent and a full-time student under 25 years of age, or any class of spouses and dependent children, of each insured group member who so elects; and

2. Any other person in whom the insured group member has an insurable interest as defined in §§ 38.2-301 and 38.2-302 as may mutually be agreed upon by the insurer and the group policyholder.

The amount of insurance on the life of a spouse, child, or other person shall not exceed the amount of insurance for which the insured group member is eligible.

B. A spouse insured under this section shall have the same conversion right to the insurance on his or her life as the insured group member.

C. Notwithstanding the provisions of § 38.2-3331, one certificate may be issued for each insured group member if a statement concerning any spouse's, dependent child's, or other person's coverage is included in the certificate.

D. In addition to the coverages afforded by the provisions of this section, any such plan for group life insurance which includes coverage for children shall afford coverage to any child who is both (i) incapable of self-sustaining employment by reason of intellectual ~~disability~~ or physical ~~handicap~~ disability and (ii) chiefly dependent upon the employee for support and maintenance. Upon request of the insurer, proof of incapacity and dependency shall be furnished to the insurer by the insured group member within 31 days of the child's attainment of the specified age. Subsequent proof may be required by the insurer but not more frequently than annually after the two-year period following the child's attainment of the

1013 specified age. The insurer shall be allowed to charge a premium at the insurer's then customary rate  
1014 applicable to such group policy for such extended coverage.

1015 E. 1. Upon termination of such group coverage of a child, the child shall be entitled to have issued  
1016 to him by the insurer, without evidence of insurability, an individual life insurance policy without  
1017 disability or other supplementary benefits, if:

1018 a. An application for the individual policy is made, and the first premium paid to the insurer, within  
1019 31 days after such termination; and

1020 b. The individual policy, at the option of such person, is on any one of the forms then customarily  
1021 issued by the insurer at the age and for the amount applied for, except that the group policy may exclude  
1022 the option to elect term insurance;

1023 c. The individual policy is in an amount not in excess of the amount of life insurance which ceases  
1024 because of such termination, less the amount of any life insurance for which such person becomes eligible  
1025 under the same or any other group policy within 31 days after such termination, provided that any amount  
1026 of insurance which has matured on or before the date of such termination as an endowment payable to the  
1027 person insured, whether in one sum or in installments or in the form of an annuity, shall not, for the  
1028 purposes of this provision, be included in the amount which is considered to cease because of such  
1029 termination; and

1030 d. The premium on the individual policy is at the insurer's then customary rate applicable to the  
1031 form and amount of the individual policy, to the class of risk to which such person then belongs, and to  
1032 the individual age attained on the effective date of the individual policy.

1033 2. Subject to the same conditions set forth above, the conversion privilege shall be available (i) to  
1034 a surviving dependent, if any, at the death of the group member, with respect to the coverage under the  
1035 group policy which terminates by reason of such death, and (ii) to the dependent of the group member  
1036 upon termination of coverage of the dependent, while the group member remains insured under the group  
1037 policy, by reason of the dependent ceasing to be a qualified family member under the group policy.

1038 **§ 38.2-3409. Coverage of dependent children.**

1039           A. Any group or individual accident and sickness insurance policy or subscription contract  
1040 delivered or issued for delivery in this Commonwealth which provides that coverage of a dependent child  
1041 shall terminate upon that child's attainment of a specified age, shall also provide in substance that  
1042 attainment of the specified age shall not terminate the child's coverage during the continuance of the policy  
1043 while the dependent child is and continues to be both: (i) incapable of self-sustaining employment by  
1044 reason of intellectual ~~disability~~ or physical ~~handicap~~ disability, and (ii) chiefly dependent upon the  
1045 policyowner for support and maintenance.

1046           B. Proof of incapacity and dependency shall be furnished to the insurer by the policyowner within  
1047 31 days of the child's attainment of the specified age. Subsequent proof may be required by the insurer  
1048 but not more frequently than annually after the two-year period following the child's attainment of the  
1049 specified age.

1050           C. The insurer may charge an additional premium for any continuation of coverage beyond the  
1051 specified age. The additional premium shall be determined by the insurer on the basis of the class of risks  
1052 applicable to the child.

1053           **§ 46.2-100. Definitions.**

1054           As used in this title, unless the context requires a different meaning:

1055           "All-terrain vehicle" means a motor vehicle having three or more wheels that is powered by a  
1056 motor and is manufactured for off-highway use. "All-terrain vehicle" does not include four-wheeled  
1057 vehicles commonly known as "go-carts" that have low centers of gravity and are typically used in racing  
1058 on relatively level surfaces, nor does the term include any riding lawn mower.

1059           "Antique motor vehicle" means every motor vehicle, as defined in this section, which was actually  
1060 manufactured or designated by the manufacturer as a model manufactured in a calendar year not less than  
1061 25 years prior to January 1 of each calendar year and is owned solely as a collector's item.

1062           "Antique trailer" means every trailer or semitrailer, as defined in this section, that was actually  
1063 manufactured or designated by the manufacturer as a model manufactured in a calendar year not less than  
1064 25 years prior to January 1 of each calendar year and is owned solely as a collector's item.



1065 "Autocycle" means a three-wheeled motor vehicle that has a steering wheel and seating that does  
1066 not require the operator to straddle or sit astride and is manufactured to comply with federal safety  
1067 requirements for motorcycles. Except as otherwise provided, an autocycle shall not be deemed to be a  
1068 motorcycle.

1069 "Automobile transporter" means any tractor truck, lowboy, vehicle, or combination, including  
1070 vehicles or combinations that transport motor vehicles on their power unit, designed and used exclusively  
1071 for the transportation of motor vehicles or used to transport cargo or general freight on a backhaul pursuant  
1072 to the provisions of 49 U.S.C. § 31111(a)(1).

1073 "Bicycle" means a device propelled solely by human power, upon which a person may ride either  
1074 on or astride a regular seat attached thereto, having two or more wheels in tandem, including children's  
1075 bicycles, except a toy vehicle intended for use by young children. For purposes of Chapter 8 (§ 46.2-800  
1076 et seq.), a bicycle shall be a vehicle while operated on the highway.

1077 "Bicycle lane" means that portion of a roadway designated by signs and/or pavement markings for  
1078 the preferential use of bicycles, electric power-assisted bicycles, motorized skateboards or scooters, and  
1079 mopeds.

1080 "Business district" means the territory contiguous to a highway where 75 percent or more of the  
1081 property contiguous to a highway, on either side of the highway, for a distance of 300 feet or more along  
1082 the highway, is occupied by land and buildings actually in use for business purposes.

1083 "Camping trailer" means every vehicle that has collapsible sides and contains sleeping quarters  
1084 but may or may not contain bathing and cooking facilities and is designed to be drawn by a motor vehicle.

1085 "Cancel" or "cancellation" means that the document or privilege cancelled has been annulled or  
1086 terminated because of some error, defect, or ineligibility, but the cancellation is without prejudice and  
1087 reapplication may be made at any time after cancellation.

1088 "Chauffeur" means every person employed for the principal purpose of driving a motor vehicle  
1089 and every person who drives a motor vehicle while in use as a public or common carrier of persons or  
1090 property.

**1091** "Circular intersection" means an intersection that has an island, generally circular in design,  
**1092** located in the center of the intersection, where all vehicles pass to the right of the island. Circular  
**1093** intersections include roundabouts, rotaries, and traffic circles.

**1094** "Commission" means the State Corporation Commission.

**1095** "Commissioner" means the Commissioner of the Department of Motor Vehicles of the  
**1096** Commonwealth.

**1097** "Converted electric vehicle" means any motor vehicle, other than a motorcycle or autocycle, that  
**1098** has been modified subsequent to its manufacture to replace an internal combustion engine with an electric  
**1099** propulsion system. Such vehicles shall retain their original vehicle identification number, line-make, and  
**1100** model year. A converted electric vehicle shall not be deemed a "reconstructed vehicle" as defined in this  
**1101** section unless it has been materially altered from its original construction by the removal, addition, or  
**1102** substitution of new or used essential parts other than those required for the conversion to electric  
**1103** propulsion.

**1104** "Crosswalk" means that part of a roadway at an intersection included within the connections of the  
**1105** lateral lines of the sidewalks on opposite sides of the highway measured from the curbs or, in the absence  
**1106** of curbs, from the edges of the traversable roadway; or any portion of a roadway at an intersection or  
**1107** elsewhere distinctly indicated for pedestrian crossing by lines or other markings on the surface.

**1108** "Decal" means a device to be attached to a license plate that validates the license plate for a  
**1109** predetermined registration period.

**1110** "Department" means the Department of Motor Vehicles of the Commonwealth.

**1111** "Disabled parking license plate" means a license plate that displays the international symbol of  
**1112** access in the same size as the numbers and letters on the plate and in a color that contrasts with the  
**1113** background.

**1114** "Disabled veteran" means a veteran who (i) has either lost, or lost the use of, a leg, arm, or hand;  
**1115** (ii) is blind; or (iii) is permanently and totally disabled as certified by the U.S. Department of Veterans  
**1116** Affairs. A veteran shall be considered blind if he has a permanent impairment of both eyes to the following  
**1117** extent: central visual acuity of 20/200 or less in the better eye, with corrective lenses, or central visual

1118 acuity of more than 20/200, if there is a field defect in which the peripheral field has contracted to such  
1119 an extent that the widest diameter of visual field subtends an angular distance no greater than 20 degrees  
1120 in the better eye.

1121 "Driver's license" means any license, including a commercial driver's license as defined in the  
1122 Virginia Commercial Driver's License Act (§ 46.2-341.1 et seq.) and a driver privilege card issued  
1123 pursuant to § 46.2-328.3, issued under the laws of the Commonwealth authorizing the operation of a motor  
1124 vehicle.

1125 "Electric personal assistive mobility device" means a self-balancing two-nontandem-wheeled  
1126 device that is designed to transport only one person and powered by an electric propulsion system that  
1127 limits the device's maximum speed to 15 miles per hour or less. For purposes of Chapter 8 (§ 46.2-800 et  
1128 seq.), an electric personal assistive mobility device shall be a vehicle when operated on a highway.

1129 "Electric power-assisted bicycle" means a vehicle that travels on not more than three wheels in  
1130 contact with the ground and is equipped with (i) pedals that allow propulsion by human power, (ii) a seat  
1131 for the use of the rider, and (iii) an electric motor with an input of no more than 750 watts. Electric power-  
1132 assisted bicycles shall be classified as follows:

1133 1. "Class one" means an electric power-assisted bicycle equipped with a motor that provides  
1134 assistance only when the rider is pedaling and that ceases to provide assistance when the bicycle reaches  
1135 a speed of 20 miles per hour;

1136 2. "Class two" means an electric power-assisted bicycle equipped with a motor that may be used  
1137 exclusively to propel the bicycle and that ceases to provide assistance when the bicycle reaches the speed  
1138 of 20 miles per hour; and

1139 3. "Class three" means an electric power-assisted bicycle equipped with a motor that provides  
1140 assistance only when the rider is pedaling and that ceases to provide assistance when the bicycle reaches  
1141 the speed of 28 miles per hour.

1142 For the purposes of Chapter 8 (§ 46.2-800 et seq.), an electric power-assisted bicycle shall be a  
1143 vehicle when operated on a highway.

1144 "Essential parts" means all integral parts and body parts, the removal, alteration, or substitution of  
1145 which will tend to conceal the identity of a vehicle.

1146 "Farm tractor" means every motor vehicle designed and used as a farm, agricultural, or  
1147 horticultural implement for drawing plows, mowing machines, and other farm, agricultural, or  
1148 horticultural machinery and implements, including self-propelled mowers designed and used for mowing  
1149 lawns.

1150 "Farm utility vehicle" means a vehicle that is powered by a motor and is designed for off-road use  
1151 and is used as a farm, agricultural, or horticultural service vehicle, generally having four or more wheels,  
1152 bench seating for the operator and a passenger, a steering wheel for control, and a cargo bed. "Farm utility  
1153 vehicle" does not include pickup or panel trucks, golf carts, low-speed vehicles, or riding lawn mowers.

1154 "Federal safety requirements" means applicable provisions of 49 U.S.C. § 30101 et seq. and all  
1155 administrative regulations and policies adopted pursuant thereto.

1156 "Financial responsibility" means the ability to respond in damages for liability thereafter incurred  
1157 arising out of the ownership, maintenance, use, or operation of a motor vehicle, in the amounts provided  
1158 for in § 46.2-472.

1159 "Foreign market vehicle" means any motor vehicle originally manufactured outside the United  
1160 States, which was not manufactured in accordance with 49 U.S.C. § 30101 et seq. and the policies and  
1161 regulations adopted pursuant to that Act, and for which a Virginia title or registration is sought.

1162 "Foreign vehicle" means every motor vehicle, trailer, or semitrailer that is brought into the  
1163 Commonwealth otherwise than in the ordinary course of business by or through a manufacturer or dealer  
1164 and that has not been registered in the Commonwealth.

1165 "Golf cart" means a self-propelled vehicle that is designed to transport persons playing golf and  
1166 their equipment on a golf course.

1167 "Governing body" means the board of supervisors of a county, council of a city, or council of a  
1168 town, as context may require.

1169 "Gross weight" means the aggregate weight of a vehicle or combination of vehicles and the load  
1170 thereon.

1171 "Highway" means the entire width between the boundary lines of every way or place open to the  
1172 use of the public for purposes of vehicular travel in the Commonwealth, including the streets and alleys,  
1173 and, for law-enforcement purposes, (i) the entire width between the boundary lines of all private roads or  
1174 private streets that have been specifically designated "highways" by an ordinance adopted by the  
1175 governing body of the county, city, or town in which such private roads or streets are located and (ii) the  
1176 entire width between the boundary lines of every way or place used for purposes of vehicular travel on  
1177 any property owned, leased, or controlled by the United States government and located in the  
1178 Commonwealth.

1179 "Intersection" means (i) the area embraced within the prolongation or connection of the lateral  
1180 curblines or, if none, then the lateral boundary lines of the roadways of two highways that join one another  
1181 at, or approximately at, right angles, or the area within which vehicles traveling on different highways  
1182 joining at any other angle may come in conflict; (ii) where a highway includes two roadways 30 feet or  
1183 more apart, then every crossing of each roadway of such divided highway by an intersecting highway shall  
1184 be regarded as a separate intersection, in the event such intersecting highway also includes two roadways  
1185 30 feet or more apart, then every crossing of two roadways of such highways shall be regarded as a  
1186 separate intersection; or (iii) for purposes only of authorizing installation of traffic-control devices, every  
1187 crossing of a highway or street at grade by a pedestrian crosswalk.

1188 "Lane-use control signal" means a signal face displaying indications to permit or prohibit the use  
1189 of specific lanes of a roadway or to indicate the impending prohibition of such use.

1190 "Law-enforcement officer" means any officer authorized to direct or regulate traffic or to make  
1191 arrests for violations of this title or local ordinances authorized by law. For the purposes of access to law-  
1192 enforcement databases regarding motor vehicle registration and ownership only, "law-enforcement  
1193 officer" also includes city and county commissioners of the revenue and treasurers, together with their  
1194 duly designated deputies and employees, when such officials are actually engaged in the enforcement of  
1195 §§ 46.2-752, 46.2-753, and 46.2-754 and local ordinances enacted thereunder.

1196 "License plate" means a device containing letters, numerals, or a combination of both, attached to  
1197 a motor vehicle, trailer, or semitrailer to indicate that the vehicle is properly registered with the  
1198 Department.

1199 "Light" means a device for producing illumination or the illumination produced by the device.

1200 "Low-speed vehicle" means any four-wheeled electrically powered or gas-powered vehicle, except  
1201 a motor vehicle or low-speed vehicle that is used exclusively for agricultural or horticultural purposes or  
1202 a golf cart, whose maximum speed is greater than 20 miles per hour but not greater than 25 miles per hour  
1203 and is manufactured to comply with safety standards contained in Title 49 of the Code of Federal  
1204 Regulations, § 571.500.

1205 "Manufactured home" means a structure subject to federal regulation, transportable in one or more  
1206 sections, which in the traveling mode is eight body feet or more in width or 40 body feet or more in length,  
1207 or, when erected on site, is 320 or more square feet, and which is built on a permanent chassis and designed  
1208 to be used as a dwelling with or without a permanent foundation when connected to the required utilities,  
1209 and includes the plumbing, heating, air conditioning, and electrical systems contained therein.  
1210 "Manufactured home" does not include a park model recreational vehicle, which is a vehicle that is (i)  
1211 designed and marketed as temporary living quarters for recreational, camping, travel, or seasonal use; (ii)  
1212 not permanently affixed to real property for use as a permanent dwelling; (iii) built on a single chassis  
1213 mounted on wheels; and (iv) certified by the manufacturer as complying with the American National  
1214 Standards Institute (ANSI) A119.5 Park Model Recreational Vehicle Standard.

1215 "Military surplus motor vehicle" means a multipurpose or tactical vehicle that was manufactured  
1216 by or under the direction of the United States Armed Forces for off-road use and subsequently authorized  
1217 for sale to civilians. "Military surplus motor vehicle" does not include specialized mobile equipment as  
1218 defined in § 46.2-700, trailers, or semitrailers.

1219 "Moped" means every vehicle that travels on not more than three wheels in contact with the ground  
1220 that (i) has a seat that is no less than 24 inches in height, measured from the middle of the seat  
1221 perpendicular to the ground; (ii) has a gasoline, electric, or hybrid motor that (a) displaces 50 cubic  
1222 centimeters or less or (b) has an input of 1500 watts or less; (iii) is power-driven, with or without pedals

1223 that allow propulsion by human power; and (iv) is not operated at speeds in excess of 35 miles per hour.  
1224 "Moped" does not include an electric power-assisted bicycle or a motorized skateboard or scooter. For  
1225 purposes of this title, a moped shall be a motorcycle when operated at speeds in excess of 35 miles per  
1226 hour. For purposes of Chapter 8 (§ 46.2-800 et seq.), a moped shall be a vehicle while operated on a  
1227 highway.

1228 "Motor-driven cycle" means every motorcycle that has a gasoline engine that (i) displaces less  
1229 than 150 cubic centimeters; (ii) has a seat less than 24 inches in height, measured from the middle of the  
1230 seat perpendicular to the ground; and (iii) has no manufacturer-issued vehicle identification number.

1231 "Motor home" means every private motor vehicle with a normal seating capacity of not more than  
1232 10 persons, including the driver, designed primarily for use as living quarters for human beings.

1233 "Motor vehicle" means every vehicle as defined in this section that is self-propelled or designed  
1234 for self-propulsion except as otherwise provided in this title. Any structure designed, used, or maintained  
1235 primarily to be loaded on or affixed to a motor vehicle to provide a mobile dwelling, sleeping place, office,  
1236 or commercial space shall be considered a part of a motor vehicle. Except as otherwise provided, for the  
1237 purposes of this title, any device herein defined as a bicycle, electric personal assistive mobility device,  
1238 electric power-assisted bicycle, motorized skateboard or scooter, moped, or personal delivery device shall  
1239 be deemed not to be a motor vehicle.

1240 "Motorcycle" means every motor vehicle designed to travel on not more than three wheels in  
1241 contact with the ground and is capable of traveling at speeds in excess of 35 miles per hour. "Motorcycle"  
1242 does not include any "autocycle," "electric personal assistive mobility device," "electric power-assisted  
1243 bicycle," "farm tractor," "golf cart," "moped," "motorized skateboard or scooter," "utility vehicle," or  
1244 "wheelchair or wheelchair conveyance" as defined in this section.

1245 "Motorized skateboard or scooter" means every vehicle, regardless of the number of its wheels in  
1246 contact with the ground, that (i) is designed to allow an operator to sit or stand, (ii) has no manufacturer-  
1247 issued vehicle identification number, (iii) is powered in whole or in part by an electric motor, (iv) weighs  
1248 less than 100 pounds, and (v) has a speed of no more than 20 miles per hour on a paved level surface when  
1249 powered solely by the electric motor. "Motorized skateboard or scooter" includes vehicles with or without

1250 handlebars but does not include electric personal assistive mobility devices or electric power-assisted  
1251 bicycles.

1252 "Nonresident" means every person who is not domiciled in the Commonwealth, except: (i) any  
1253 foreign corporation that is authorized to do business in the Commonwealth by the State Corporation  
1254 Commission shall be a resident of the Commonwealth for the purpose of this title; in the case of  
1255 corporations incorporated in the Commonwealth but doing business outside the Commonwealth, only  
1256 such principal place of business or branches located within the Commonwealth shall be dealt with as  
1257 residents of the Commonwealth; (ii) a person who becomes engaged in a gainful occupation in the  
1258 Commonwealth for a period exceeding 60 days shall be a resident for the purposes of this title except for  
1259 the purposes of Chapter 3 (§ 46.2-300 et seq.); (iii) a person, other than (a) a nonresident student as defined  
1260 in this section or (b) a person who is serving a full-time church service or proselyting mission of not more  
1261 than 36 months and who is not gainfully employed, who has actually resided in the Commonwealth for a  
1262 period of six months, whether employed or not, or who has registered a motor vehicle, listing an address  
1263 in the Commonwealth in the application for registration, shall be deemed a resident for the purposes of  
1264 this title, except for the purposes of the Virginia Commercial Driver's License Act (§ 46.2-341.1 et seq.).

1265 "Nonresident student" means every nonresident person who is enrolled as a full-time student in an  
1266 accredited institution of learning in the Commonwealth and who is not gainfully employed.

1267 "Off-road motorcycle" means every motorcycle designed exclusively for off-road use by an  
1268 individual rider with not more than two wheels in contact with the ground. Except as otherwise provided  
1269 in this chapter, for the purposes of this chapter off-road motorcycles shall be deemed to be "motorcycles."

1270 "Operation or use for rent or for hire, for the transportation of passengers, or as a property carrier  
1271 for compensation," and "business of transporting persons or property" mean any owner or operator of any  
1272 motor vehicle, trailer, or semitrailer operating over the highways in the Commonwealth who accepts or  
1273 receives compensation for the service, directly or indirectly; but these terms do not mean a "truck lessor"  
1274 as defined in this section and do not include persons or businesses that receive compensation for delivering  
1275 a product that they themselves sell or produce, where a separate charge is made for delivery of the product  
1276 or the cost of delivery is included in the sale price of the product, but where the person or business does



1277 not derive all or a substantial portion of its income from the transportation of persons or property except  
1278 as part of a sales transaction.

1279 "Operator" or "driver" means every person who either (i) drives or is in actual physical control of  
1280 a motor vehicle on a highway or (ii) is exercising control over or steering a vehicle being towed by a motor  
1281 vehicle.

1282 "Owner" means a person who holds the legal title to a vehicle; however, if a vehicle is the subject  
1283 of an agreement for its conditional sale or lease with the right of purchase on performance of the conditions  
1284 stated in the agreement and with an immediate right of possession vested in the conditional vendee or  
1285 lessee or if a mortgagor of a vehicle is entitled to possession, then the conditional vendee or lessee or  
1286 mortgagor shall be the owner for the purpose of this title. In all such instances when the rent paid by the  
1287 lessee includes charges for services of any nature or when the lease does not provide that title shall pass  
1288 to the lessee on payment of the rent stipulated, the lessor shall be regarded as the owner of the vehicle,  
1289 and the vehicle shall be subject to such requirements of this title as are applicable to vehicles operated for  
1290 compensation. A "truck lessor" as defined in this section shall be regarded as the owner, and his vehicles  
1291 shall be subject to such requirements of this title as are applicable to vehicles of private carriers.

1292 "Passenger car" means every motor vehicle other than a motorcycle or auticycle designed and  
1293 used primarily for the transportation of no more than 10 persons, including the driver.

1294 "Payment device" means any credit card as defined in 15 U.S.C. § 1602 (k) or any "accepted card  
1295 or other means of access" set forth in 15 U.S.C. § 1693a (1). For the purposes of this title, this definition  
1296 shall also include a card that enables a person to pay for transactions through the use of value stored on  
1297 the card itself.

1298 "Personal delivery device" means a powered device operated primarily on sidewalks and  
1299 crosswalks and intended primarily for the transport of property on public rights-of-way that does not  
1300 exceed 500 pounds, excluding cargo, and is capable of navigating with or without the active control or  
1301 monitoring of a natural person. Notwithstanding any other provision of law, a personal delivery device  
1302 shall not be considered a motor vehicle or a vehicle.

**1303** "Personal delivery device operator" means an entity or its agent that exercises direct physical  
**1304** control or monitoring over the navigation system and operation of a personal delivery device. For the  
**1305** purposes of this definition, "agent" means a person not less than 16 years of age charged by an entity with  
**1306** the responsibility of navigating and operating a personal delivery device. "Personal delivery device  
**1307** operator" does not include (i) an entity or person who requests the services of a personal delivery device  
**1308** to transport property or (ii) an entity or person who only arranges for and dispatches the requested services  
**1309** of a personal delivery device.

**1310** "Pickup or panel truck" means (i) every motor vehicle designed for the transportation of property  
**1311** and having a registered gross weight of 7,500 pounds or less or (ii) every motor vehicle registered for  
**1312** personal use, designed to transport property on its own structure independent of any other vehicle, and  
**1313** having a registered gross weight in excess of 7,500 pounds but not in excess of 10,000 pounds.

**1314** "Private road or driveway" means every way in private ownership and used for vehicular travel by  
**1315** the owner and those having express or implied permission from the owner, but not by other persons.

**1316** "Reconstructed vehicle" means every vehicle of a type required to be registered under this title  
**1317** materially altered from its original construction by the removal, addition, or substitution of new or used  
**1318** essential parts. Such vehicles, at the discretion of the Department, shall retain their original vehicle  
**1319** identification number, line-make, and model year. Except as otherwise provided in this title, this definition  
**1320** shall not include a "converted electric vehicle" as defined in this section.

**1321** "Replica vehicle" means every vehicle of a type required to be registered under this title not fully  
**1322** constructed by a licensed manufacturer but either constructed or assembled from components. Such  
**1323** components may be from a single vehicle, multiple vehicles, a kit, parts, or fabricated components. The  
**1324** kit may be made up of "major components" as defined in § 46.2-1600, a full body, or a full chassis, or a  
**1325** combination of these parts. The vehicle shall resemble a vehicle of distinctive name, line-make, model, or  
**1326** type as produced by a licensed manufacturer or manufacturer no longer in business and is not a  
**1327** reconstructed or specially constructed vehicle as herein defined.

**1328** "Residence district" means the territory contiguous to a highway, not comprising a business  
**1329** district, where 75 percent or more of the property abutting such highway, on either side of the highway,

1330 for a distance of 300 feet or more along the highway consists of land improved for dwelling purposes, or  
1331 is occupied by dwellings, or consists of land or buildings in use for business purposes, or consists of  
1332 territory zoned residential or territory in residential subdivisions created under Chapter 22 (§ 15.2-2200  
1333 et seq.) of Title 15.2.

1334 "Revoke" or "revocation" means that the document or privilege revoked is not subject to renewal  
1335 or restoration except through reapplication after the expiration of the period of revocation.

1336 "Roadway" means that portion of a highway improved, designed, or ordinarily used for vehicular  
1337 travel, exclusive of the shoulder. A highway may include two or more roadways if divided by a physical  
1338 barrier or barriers or an unpaved area.

1339 "Safety zone" means the area officially set apart within a roadway for the exclusive use of  
1340 pedestrians and that is protected or is so marked or indicated by plainly visible signs.

1341 "School bus" means any motor vehicle, other than a station wagon, automobile, truck, or  
1342 commercial bus, which is: (i) designed and used primarily for the transportation of pupils to and from  
1343 public, private or religious schools, or used for the transportation of the mentally or physically  
1344 ~~handicapped~~ disabled to and from a sheltered workshop; (ii) painted yellow and bears the words "School  
1345 Bus" in black letters of a specified size on front and rear; and (iii) is equipped with warning devices  
1346 prescribed in § 46.2-1090. A yellow school bus may have a white roof provided such vehicle is painted in  
1347 accordance with regulations promulgated by the Department of Education.

1348 "Semitrailer" means every vehicle of the trailer type so designed and used in conjunction with a  
1349 motor vehicle that some part of its own weight and that of its own load rests on or is carried by another  
1350 vehicle.

1351 "Shared-use path" means a bikeway that is physically separated from motorized vehicular traffic  
1352 by an open space or barrier and is located either within the highway right-of-way or within a separate  
1353 right-of-way. Shared-use paths may also be used by pedestrians, skaters, users of wheel chairs or wheel  
1354 chair conveyances, joggers, and other nonmotorized users and personal delivery devices.

1355 "Shoulder" means that part of a highway between the portion regularly traveled by vehicular traffic  
1356 and the lateral curbline or ditch.

1357 "Sidewalk" means the portion of a street between the curb lines, or the lateral lines of a roadway,  
1358 and the adjacent property lines, intended for use by pedestrians.

1359 "Snowmobile" means a self-propelled vehicle designed to travel on snow or ice, steered by skis or  
1360 runners, and supported in whole or in part by one or more skis, belts, or cleats.

1361 "Special construction and forestry equipment" means any vehicle which is designed primarily for  
1362 highway construction, highway maintenance, earth moving, timber harvesting or other construction or  
1363 forestry work and which is not designed for the transportation of persons or property on a public highway.

1364 "Specially constructed vehicle" means any vehicle that was not originally constructed under a  
1365 distinctive name, make, model, or type by a generally recognized manufacturer of vehicles and not a  
1366 reconstructed vehicle as herein defined.

1367 "Stinger-steered automobile or watercraft transporter" means an automobile or watercraft  
1368 transporter configured as a semitrailer combination wherein the fifth wheel is located on a drop frame  
1369 behind and below the rearmost axle of the power unit.

1370 "Superintendent" means the Superintendent of the Department of State Police of the  
1371 Commonwealth.

1372 "Suspend" or "suspension" means that the document or privilege suspended has been temporarily  
1373 withdrawn, but may be reinstated following the period of suspension unless it has expired prior to the end  
1374 of the period of suspension.

1375 "Tow truck" means a motor vehicle for hire (i) designed to lift, pull, or carry another vehicle by  
1376 means of a hoist or other mechanical apparatus and (ii) having a manufacturer's gross vehicle weight rating  
1377 of at least 10,000 pounds. "Tow truck" also includes vehicles designed with a ramp on wheels and a  
1378 hydraulic lift with a capacity to haul or tow another vehicle, commonly referred to as "rollbacks." "Tow  
1379 truck" does not include any "automobile or watercraft transporter," "stinger-steered automobile or  
1380 watercraft transporter," or "tractor truck" as those terms are defined in this section.

1381 "Towing and recovery operator" means a person engaged in the business of (i) removing disabled  
1382 vehicles, parts of vehicles, their cargoes, and other objects to facilities for repair or safekeeping and (ii)

1383 restoring to the highway or other location where they either can be operated or removed to other locations  
1384 for repair or safekeeping vehicles that have come to rest in places where they cannot be operated.

1385 "Toy vehicle" means any motorized or propellant-driven device that has no manufacturer-issued  
1386 vehicle identification number that is designed or used to carry any person or persons, on any number of  
1387 wheels, bearings, glides, blades, runners, or a cushion of air. "Toy vehicle" does not include electric  
1388 personal assistive mobility devices, electric power-assisted bicycles, mopeds, motorized skateboards or  
1389 scooters, or motorcycles, nor does it include any nonmotorized or nonpropellant-driven devices such as  
1390 bicycles, roller skates, or skateboards.

1391 "Tractor truck" means every motor vehicle designed and used primarily for drawing other vehicles  
1392 and not so constructed as to carry a load other than a part of the load and weight of the vehicle attached  
1393 thereto.

1394 "Traffic control device" means a sign, signal, marking, or other device used to regulate, warn, or  
1395 guide traffic placed on, over, or adjacent to a street, highway, private road open to public travel, pedestrian  
1396 facility, or shared-use path by authority of a public agency or official having jurisdiction, or in the case of  
1397 a private road open to public travel, by authority of the private owner or private official having jurisdiction.

1398 "Traffic infraction" means a violation of law punishable as provided in § 46.2-113, which is neither  
1399 a felony nor a misdemeanor.

1400 "Traffic lane" or "lane" means that portion of a roadway designed or designated to accommodate  
1401 the forward movement of a single line of vehicles.

1402 "Trailer" means every vehicle without motive power designed for carrying property or passengers  
1403 wholly on its own structure and for being drawn by a motor vehicle, including manufactured homes.

1404 "Truck" means every motor vehicle designed to transport property on its own structure  
1405 independent of any other vehicle and having a registered gross weight in excess of 7,500 pounds. "Truck"  
1406 does not include any pickup or panel truck.

1407 "Truck lessor" means a person who holds the legal title to any motor vehicle, trailer, or semitrailer  
1408 that is the subject of a bona fide written lease for a term of one year or more to another person, provided  
1409 that: (i) neither the lessor nor the lessee is a common carrier by motor vehicle or restricted common carrier

1410 by motor vehicle or contract carrier by motor vehicle as defined in § 46.2-2000; (ii) the leased motor  
1411 vehicle, trailer, or semitrailer is used exclusively for the transportation of property of the lessee; (iii) the  
1412 lessor is not employed in any capacity by the lessee; (iv) the operator of the leased motor vehicle is a bona  
1413 fide employee of the lessee and is not employed in any capacity by the lessor; and (v) a true copy of the  
1414 lease, verified by affidavit of the lessor, is filed with the Commissioner.

1415 "Utility vehicle" means a motor vehicle that is (i) designed for off-road use, (ii) powered by a  
1416 motor, and (iii) used for general maintenance, security, agricultural, or horticultural purposes. "Utility  
1417 vehicle" does not include riding lawn mowers.

1418 "Vehicle" means every device in, on or by which any person or property is or may be transported  
1419 or drawn on a highway, except personal delivery devices and devices moved by human power or used  
1420 exclusively on stationary rails or tracks. For the purposes of Chapter 8 (§ 46.2-800 et seq.), bicycles,  
1421 electric personal assistive mobility devices, electric power-assisted bicycles, motorized skateboards or  
1422 scooters, and mopeds shall be vehicles while operated on a highway.

1423 "Watercraft transporter" means any tractor truck, lowboy, vehicle, or combination, including  
1424 vehicles or combinations that transport watercraft on their power unit, designed and used exclusively for  
1425 the transportation of watercraft.

1426 "Wheel chair or wheel chair conveyance" means a chair or seat equipped with wheels, typically  
1427 used to provide mobility for persons who, by reason of physical disability, are otherwise unable to move  
1428 about as pedestrians. "Wheel chair or wheel chair conveyance" includes both three-wheeled and four-  
1429 wheeled devices. So long as it is operated only as provided in § 46.2-677, a self-propelled wheel chair or  
1430 self-propelled wheel chair conveyance shall not be considered a motor vehicle.

1431 **§ 46.2-221. Certain state agencies to report to Department concerning the blind and nearly**  
1432 **blind; use of such information by Department; Department to report names of persons refused**  
1433 **licenses for defective vision; reports to law-enforcement agencies concerning certain blind or**  
1434 **visually impaired persons who operate motor vehicles.**

1435 Every state agency having knowledge of the blind or visually ~~handicapped~~ impaired, maintaining  
1436 any register of the blind, or administering either tax deductions or exemptions for or aid to the blind or

1437 visually ~~handicapped~~ impaired shall report in January of each year to the Department the names of all  
1438 persons so known, registered or benefiting from such deductions or exemptions, for aid to the blind or  
1439 visually ~~handicapped~~ impaired. This information shall be used by the Department only for the purpose of  
1440 determining qualifications of these persons for licensure under Chapter 3 (§ 46.2-300 et seq.). If any such  
1441 state agency has knowledge that any person so reported continues to operate a motor vehicle, such agency  
1442 may provide this information to appropriate law-enforcement agencies as otherwise permitted by law.

1443 The Department shall report to the Virginia Department for the Blind and Vision Impaired and the  
1444 Department for Aging and Rehabilitative Services at least annually the name and address of every person  
1445 who has been refused a driver's license solely or partly because of failure to pass the Department's visual  
1446 examination.

1447 If any employee of the Virginia Department for the Blind and Vision Impaired makes a report to  
1448 the Department of Motor Vehicles or provides information to an appropriate law-enforcement agency as  
1449 required or permitted by this section concerning any client of the agency, it shall not be deemed to have  
1450 been made in violation of the client-agency relationship.

1451 **§ 46.2-844. Passing stopped school buses; prima facie evidence; penalty.**

1452 A. The driver of a motor vehicle approaching from any direction a clearly marked school bus that  
1453 is stopped on any highway, private road, or school driveway for the purpose of taking on or discharging  
1454 children, the elderly, or mentally or physically ~~handicapped~~ disabled persons, who, in violation of § 46.2-  
1455 859, fails to stop and remain stopped until all such persons are clear of the highway, private road, or school  
1456 driveway and the bus is put in motion is subject to a civil penalty of \$250, and any prosecution shall be  
1457 instituted and conducted in the same manner as prosecutions for traffic infractions.

1458 A prosecution or proceeding under § 46.2-859 is a bar to a prosecution or proceeding under this  
1459 section for the same act, and a prosecution or proceeding under this section is a bar to a prosecution or  
1460 proceeding under § 46.2-859 for the same act.

1461 In any prosecution for which a summons charging a violation of this section was issued within 10  
1462 days of the alleged violation, proof that the motor vehicle described in the summons was operated in  
1463 violation of this section, together with proof that the defendant was at the time of such violation the

1464 registered owner of the vehicle, as required by Chapter 6 (§ 46.2-600 et seq.) shall give rise to a rebuttable  
1465 presumption that the registered owner of the vehicle was the person who operated the vehicle at the place  
1466 where, and for the time during which, the violation occurred. Such presumption shall be rebutted if (i) the  
1467 owner of the vehicle files an affidavit by regular mail with the clerk of the general district court that he  
1468 was not the operator of the vehicle at the time of the alleged violation, (ii) the owner testifies in open court  
1469 under oath that he was not the operator of the vehicle at the time of the alleged violation, or (iii) a certified  
1470 copy of a police report showing that the vehicle had been reported to the police as stolen prior to the time  
1471 of the alleged violation of this section is presented prior to the return date established on the summons  
1472 issued pursuant to this section to the court adjudicating the alleged violation. Nothing herein shall limit  
1473 the admission of otherwise admissible evidence.

1474 The testimony of the school bus driver, the supervisor of school buses, or a law-enforcement  
1475 officer that the vehicle was yellow, conspicuously marked as a school bus, and equipped with warning  
1476 devices as prescribed in § 46.2-1090 is prima facie evidence that the vehicle is a school bus.

1477 B. 1. For purposes of this subsection, "video-monitoring system" means a system with one or more  
1478 camera sensors and computers installed and operated on a school bus that produces live digital and  
1479 recorded video of motor vehicles being operated in violation of § 46.2-859. All such systems installed  
1480 shall, at a minimum, produce a recorded image of the license plate and shall record the activation status  
1481 of at least one warning device as prescribed in § 46.2-1090 and the time, date, and location of the vehicle  
1482 when the image is recorded.

1483 2. A locality may, by ordinance, authorize the school division of the locality to install and operate  
1484 a video-monitoring system in or on the school buses operated by the division or to contract with a private  
1485 vendor to do so on behalf of the school division for the purpose of recording violations of subsection A.  
1486 Such ordinance may direct that any civil penalty levied for a violation of subsection A shall be payable to  
1487 the local school division. In any locality that has adopted such an ordinance, a summons for a violation of  
1488 subsection A may be executed as provided in § 19.2-76.2 and, notwithstanding the provisions of § 19.2-  
1489 76, the summons may be executed by mailing by first-class mail a copy thereof to the address of the owner  
1490 of the vehicle contained in the records of the Department. Every such mailing shall include, in addition to



1491 the summons, a notice of (i) the summoned person's ability to rebut the presumption that he was the  
1492 operator of the vehicle at the time of the alleged violation through the filing of an affidavit as provided in  
1493 subsection A and (ii) instructions for filing such an affidavit, including the address to which the affidavit  
1494 is to be sent. If the summoned person fails to appear on the date of return set out in the summons mailed  
1495 pursuant to this section, the summons shall be executed in the manner set out in § 19.2-76.3. No  
1496 proceedings for contempt or arrest of a person summoned by mailing shall be instituted for failure to  
1497 appear on the return date of the summons. Any summons executed for violation of this section shall  
1498 provide to the person summoned at least 30 business days from the mailing of the summons to inspect  
1499 information collected by a video-monitoring system in connection with the violation.

1500 3. Any private vendor contracting with a school division pursuant to this subsection may impose  
1501 and collect an administrative fee in addition to the civil penalty imposed for a violation of subsection A  
1502 and payable pursuant to this subsection, so as to recover the expenses of collecting any unpaid civil penalty  
1503 when such penalty remains due more than 30 days after the date of the mailing of the summons and notice.  
1504 The administrative fee shall be reasonably related to the actual cost of collecting the civil penalty and shall  
1505 not exceed \$100 per violation. The operator of the vehicle shall pay the unpaid civil penalty and any  
1506 administrative fee detailed in a notice or citation issued by the private vendor. If paid no later than 60 days  
1507 after the date of the mailing of the summons and notice, the administrative fee shall not exceed \$25.

1508 4. Any private vendor contracting with a school division pursuant to this subsection may enter into  
1509 an agreement with the Department of Motor Vehicles, in accordance with the provisions of subdivision B  
1510 30 of § 46.2-208, to obtain vehicle owner information regarding the registered owners of vehicles that  
1511 improperly pass stopped school buses. Information provided to such private vendor shall be protected in  
1512 a database with security comparable to that of the Department of Motor Vehicles' system and used only  
1513 for enforcement against individuals who violate the provisions of this section. The school division shall  
1514 annually certify compliance with this subdivision and make all records pertaining to such system available  
1515 for inspection and audit by the Commissioner of Highways or the Commissioner of the Department of  
1516 Motor Vehicles or their designee. Any person who discloses personal information in violation of the  
1517 provisions of this subdivision shall be subject to a civil penalty of \$1,000 per disclosure. Any unauthorized

1518 use or disclosure of such personal information shall be grounds for termination of the agreement between  
1519 the Department of Motor Vehicles and the private vendor.

1520 **§ 46.2-859. Passing a stopped school bus; prima facie evidence.**

1521 A person driving a motor vehicle shall stop such vehicle when approaching, from any direction,  
1522 any school bus which is stopped on any highway, private road or school driveway for the purpose of taking  
1523 on or discharging children, the elderly, or mentally or physically ~~handicapped~~ disabled persons, and shall  
1524 remain stopped until all the persons are clear of the highway, private road or school driveway and the bus  
1525 is put in motion; any person violating the foregoing is guilty of reckless driving. The driver of a vehicle,  
1526 however, need not stop when approaching a school bus if the school bus is stopped on the other roadway  
1527 of a divided highway, on an access road, or on a driveway when the other roadway, access road, or  
1528 driveway is separated from the roadway on which he is driving by a physical barrier or an unpaved area.  
1529 The driver of a vehicle also need not stop when approaching a school bus which is loading or discharging  
1530 passengers from or onto property immediately adjacent to a school if the driver is directed by a law-  
1531 enforcement officer or other duly authorized uniformed school crossing guard to pass the school bus. This  
1532 section shall apply to school buses which are equipped with warning devices prescribed in § 46.2-1090  
1533 and are painted yellow with the words "School Bus" in black letters at least eight inches high on the front  
1534 and rear thereof. Only school buses which are painted yellow and equipped with the required lettering and  
1535 warning devices shall be identified as school buses.

1536 The testimony of the school bus driver, the supervisor of school buses or a law-enforcement officer  
1537 that the vehicle was yellow, conspicuously marked as a school bus, and equipped with warning devices  
1538 as prescribed in § 46.2-1090 is prima facie evidence that the vehicle is a school bus.

1539 **§ 46.2-917. Operation of yellow motor vehicles of certain seating capacity on state highways**  
1540 **prohibited; exceptions; penalty.**

1541 It shall be unlawful for any motor vehicle licensed in Virginia having a seating capacity of more  
1542 than 15 persons to be operated on the highways of the Commonwealth if it is yellow, unless it is used in  
1543 transporting students who attend public, private, or religious schools or used in transporting the elderly or  
1544 mentally or physically ~~handicapped~~ disabled persons.

1545 Any violation of this section shall constitute a Class 1 misdemeanor.

1546 **§ 46.2-1090. Warning devices on school buses; other buses; use thereof; penalties.**

1547 Every bus used for the principal purpose of transporting school children shall be equipped with a  
1548 warning device of such type as may be prescribed by the State Board of Education after consultation with  
1549 the Superintendent of State Police. Such a warning device shall indicate when such bus is either (i) stopped  
1550 or about to stop to take on or discharge children, the elderly, or mentally or physically ~~handicapped~~  
1551 disabled persons or (ii) stopped or about to stop for another such bus, when approaching from any  
1552 direction, that is stopped or about to stop to take on or discharge any such persons. Such warning device  
1553 shall be used and in operation for at least 100 feet before any proposed stop of such bus if the lawful speed  
1554 limit is less than ~~thirty-five~~ 35 miles per hour, and for at least 200 feet before any proposed stop of such  
1555 bus if the lawful speed limit is ~~thirty-five~~ 35 miles per hour or more.

1556 For any new bus placed into service on or after July 1, 2007, such warning devices, at a minimum,  
1557 shall include a nonsequential system of red traffic warning lights, a warning sign with flashing lights, and  
1558 a crossing control arm such that when the bus door is opened, the red warning lights, warning sign with  
1559 flashing lights, and crossing control arm are automatically activated.

1560 Failure of a warning device to function on any school bus shall not relieve any person operating a  
1561 motor vehicle from his duty to stop as provided in §§ 46.2-844 and 46.2-859.

1562 Any person operating such bus who fails or refuses to equip such vehicle being driven by him with  
1563 such equipment, or who fails to use such warning devices in the operation of such vehicle ~~shall be~~ is guilty  
1564 of a Class 3 misdemeanor.

1565 Transit buses used to transport school children in the City of Hampton may be equipped with an  
1566 advisory sign that extends from the left side of the bus and displays the words: "CAUTION-STUDENTS."  
1567 Such sign may be equipped with not more than two warning lights of a type approved for use by the  
1568 Superintendent of State Police.

1569 **§ 46.2-1503.2. State Personnel and Public Procurement Acts not applicable.**

1570 A. The Executive Director and all staff employed by the Board shall be exempt from the Virginia  
1571 Personnel Act (§ 2.2-2900 et seq.) of Title 2.2. Personnel actions under this exemption shall be taken

1572 without regard to race, sex, sexual orientation, gender identity, color, national origin, religion, age,  
1573 [handicap disability](#), or political affiliation.

1574 B. The Board and the Executive Director shall be exempt from the Virginia Public Procurement  
1575 Act (§ 2.2-4300 et seq.) of Title 2.2.

1576 **§ 51.1-124.27. Employees of the Retirement System.**

1577 The officers and employees of the Virginia Retirement System shall be exempt from the provisions  
1578 of § 2.2-1202.1 and of the Virginia Personnel Act (§ 2.2-2900 et seq.). Personnel actions shall be taken  
1579 without regard to race, sex, sexual orientation, gender identity, color, national origin, religion, age,  
1580 [handicap disability](#), or political affiliation.

1581 **§ 51.5-40.1. Definitions.**

1582 As used in this chapter, unless the context requires a different meaning:

1583 "Hearing dog" means a dog trained to alert its owner by touch to sounds of danger and sounds to  
1584 which the owner should respond.

1585 "Mental impairment" means (i) a disability attributable to intellectual disability, autism, or any  
1586 other neurologically ~~handicapping~~ [disabling](#) condition closely related to intellectual disability and  
1587 requiring treatment similar to that required by individuals with intellectual disability or (ii) an organic or  
1588 mental impairment that has substantial adverse effects on an individual's cognitive or volitional functions,  
1589 including central nervous system disorders or significant discrepancies among mental functions of an  
1590 individual.

1591 "Mobility-impaired person" means any person who has completed training to use a dog for service  
1592 or support because he is unable to move about without the aid of crutches, a wheelchair, or any other form  
1593 of support or because of limited functional ability to ambulate, climb, descend, sit, rise, or perform any  
1594 related function.

1595 "Otherwise disabled person" means any person who has a physical, sensory, intellectual,  
1596 developmental, or mental disability or a mental illness.

1597 "Person with a disability" means any person who has a physical or mental impairment that  
1598 substantially limits one or more of his major life activities or who has a record of such impairment.

1599 "Physical impairment" means any physical condition, anatomic loss, or cosmetic disfigurement  
1600 that is caused by bodily injury, birth defect, or illness.

1601 "Service dog" means a dog trained to do work or perform tasks for the benefit of a mobility-  
1602 impaired or otherwise disabled person. The work or tasks performed by a service dog shall be directly  
1603 related to the individual's disability or disorder. Examples of work or tasks include providing nonviolent  
1604 protection or rescue work, pulling a wheelchair, assisting an individual during a seizure, alerting an  
1605 individual to the presence of allergens, retrieving items, carrying items, providing physical support and  
1606 assistance with balance and stability, and preventing or interrupting impulsive or destructive behaviors.  
1607 The provision of emotional support, well-being, comfort, or companionship shall not constitute work or  
1608 tasks for the purposes of this definition.

1609 "Three-unit service dog team" means a team consisting of a trained service dog, a disabled person,  
1610 and a person who is an adult and who has been trained to handle the service dog.

1611 **§ 54.1-2968. Information about certain disabled persons.**

1612 This chapter shall not be construed to prohibit any duly licensed physician from communicating  
1613 the identity of any person under age ~~twenty-two~~ 22 who has a physical or mental ~~handicapping condition~~  
1614 disability to appropriate agencies of the Commonwealth or any of its political subdivisions and other  
1615 information regarding such person or condition which may be helpful to the agency in the planning or  
1616 conduct of services for ~~handicapped~~ disabled persons.

1617 **§ 58.1-609.10. Miscellaneous exemptions.**

1618 The tax imposed by this chapter or pursuant to the authority granted in §§ 58.1-605 and 58.1-606  
1619 shall not apply to the following:

1620 1. Artificial or propane gas, firewood, coal or home heating oil used for domestic consumption.

1621 "Domestic consumption" means the use of artificial or propane gas, firewood, coal or home heating oil by  
1622 an individual purchaser for other than business, commercial or industrial purposes. The Tax Commissioner  
1623 shall establish by regulation a system for use by dealers in classifying individual purchases for domestic  
1624 or nondomestic use based on the principal usage of such gas, wood, coal or oil. Any person making a  
1625 nondomestic purchase and paying the tax pursuant to this chapter who uses any portion of such purchase

1626 for domestic use may, between the first day of the first month and the fifteenth day of the fourth month  
1627 following the year of purchase, apply for a refund of the tax paid on the domestic use portion.

1628 2. An occasional sale, as defined in § 58.1-602. A nonprofit organization that is eligible to be  
1629 granted an exemption on its purchases pursuant to § 58.1-609.11, and that is otherwise eligible for the  
1630 exemption pursuant to this subdivision, shall be exempt pursuant to this subdivision on its sales of (i) food,  
1631 prepared food and meals and (ii) tickets to events that include the provision of food, prepared food and  
1632 meals, so long as such sales take place on fewer than 24 occasions in a calendar year.

1633 3. Tangible personal property for future use by a person for taxable lease or rental as an established  
1634 business or part of an established business, or incidental or germane to such business, including a  
1635 simultaneous purchase and taxable leaseback.

1636 4. Delivery of tangible personal property outside the Commonwealth for use or consumption  
1637 outside of the Commonwealth. Delivery of goods destined for foreign export to a factor or export agent  
1638 shall be deemed to be delivery of goods for use or consumption outside of the Commonwealth.

1639 5. Tangible personal property purchased with food coupons issued by the ~~United States~~ U.S.  
1640 Department of Agriculture under the Food Stamp Program or drafts issued through the Virginia Special  
1641 Supplemental Food Program for Women, Infants, and Children.

1642 6. Tangible personal property purchased for use or consumption in the performance of  
1643 maintenance and repair services at Nuclear Regulatory Commission-licensed nuclear power plants located  
1644 outside the Commonwealth.

1645 7. Beginning July 1, 1997, and ending July 1, 2006, a professional's provision of original, revised,  
1646 edited, reformatted or copied documents, including but not limited to documents stored on or transmitted  
1647 by electronic media, to its client or to third parties in the course of the professional's rendition of services  
1648 to its clientele.

1649 8. School lunches sold and served to pupils and employees of schools and subsidized by  
1650 government; school textbooks sold by a local board or authorized agency thereof; and school textbooks  
1651 sold for use by students attending a college or other institution of learning, when sold (i) by such institution  
1652 of learning or (ii) by any other dealer, when such textbooks have been certified by a department or

1653 instructor of such institution of learning as required textbooks for students attending courses at such  
1654 institution.

1655           9. Medicines, drugs, hypodermic syringes, artificial eyes, contact lenses, eyeglasses, eyeglass  
1656 cases, and contact lens storage containers when distributed free of charge, all solutions or sterilization kits  
1657 or other devices applicable to the wearing or maintenance of contact lenses or eyeglasses when distributed  
1658 free of charge, and hearing aids dispensed by or sold on prescriptions or work orders of licensed  
1659 physicians, dentists, optometrists, ophthalmologists, opticians, audiologists, hearing aid dealers and  
1660 fitters, nurse practitioners, physician assistants, and veterinarians; controlled drugs purchased for use by  
1661 a licensed physician, optometrist, licensed nurse practitioner, or licensed physician assistant in his  
1662 professional practice, regardless of whether such practice is organized as a sole proprietorship,  
1663 partnership, or professional corporation, or any other type of corporation in which the shareholders and  
1664 operators are all licensed physicians, optometrists, licensed nurse practitioners, or licensed physician  
1665 assistants engaged in the practice of medicine, optometry, or nursing; medicines and drugs purchased for  
1666 use or consumption by a licensed hospital, nursing home, clinic, or similar corporation not otherwise  
1667 exempt under this section; and samples of prescription drugs and medicines and their packaging  
1668 distributed free of charge to authorized recipients in accordance with the federal Food, Drug, and Cosmetic  
1669 Act (21 U.S.C.A. § 301 et seq., as amended).

1670           10. Wheelchairs and parts therefor, braces, crutches, prosthetic devices, orthopedic appliances,  
1671 catheters, urinary accessories, other durable medical equipment and devices, and related parts and supplies  
1672 specifically designed for those products; and insulin and insulin syringes, and equipment, devices or  
1673 chemical reagents that may be used by a diabetic to test or monitor blood or urine, when such items or  
1674 parts are purchased by or on behalf of an individual for use by such individual. Durable medical equipment  
1675 is equipment that (i) can withstand repeated use, (ii) is primarily and customarily used to serve a medical  
1676 purpose, (iii) generally is not useful to a person in the absence of illness or injury, and (iv) is appropriate  
1677 for use in the home.

1678           11. Drugs and supplies used in hemodialysis and peritoneal dialysis.

1679 12. Special equipment installed on a motor vehicle when purchased by a ~~handicapped~~ disabled  
1680 person to enable such person to operate the motor vehicle.

1681 13. Special typewriters and computers and related parts and supplies specifically designed for  
1682 those products used by ~~handicapped~~ disabled persons to communicate when such equipment is prescribed  
1683 by a licensed physician.

1684 14. a. (i) Any nonprescription drugs and proprietary medicines purchased for the cure, mitigation,  
1685 treatment, or prevention of disease in human beings and (ii) any samples of nonprescription drugs and  
1686 proprietary medicines distributed free of charge by the manufacturer, including packaging materials and  
1687 constituent elements and ingredients.

1688 b. The terms "nonprescription drugs" and "proprietary medicines" shall be defined pursuant to  
1689 regulations promulgated by the Department of Taxation. The exemption authorized in this subdivision  
1690 shall not apply to cosmetics.

1691 15. Tangible personal property withdrawn from inventory and donated to (i) an organization  
1692 exempt from taxation under § 501(c)(3) of the Internal Revenue Code or (ii) the Commonwealth, any  
1693 political subdivision of the Commonwealth, or any school, agency, or instrumentality thereof.

1694 16. Tangible personal property purchased by nonprofit churches that are exempt from taxation  
1695 under § 501(c)(3) of the Internal Revenue Code, or whose real property is exempt from local taxation  
1696 pursuant to the provisions of § 58.1-3606, for use (i) in religious worship services by a congregation or  
1697 church membership while meeting together in a single location and (ii) in the libraries, offices, meeting  
1698 or counseling rooms or other rooms in the public church buildings used in carrying out the work of the  
1699 church and its related ministries, including kindergarten, elementary and secondary schools. The  
1700 exemption for such churches shall also include baptistries; bulletins, programs, newspapers and  
1701 newsletters that do not contain paid advertising and are used in carrying out the work of the church; gifts  
1702 including food for distribution outside the public church building; food, disposable serving items, cleaning  
1703 supplies and teaching materials used in the operation of camps or conference centers by the church or an  
1704 organization composed of churches that are exempt under this subdivision and which are used in carrying  
1705 out the work of the church or churches; and property used in caring for or maintaining property owned by



1706 the church including, but not limited to, mowing equipment; and building materials installed by the church,  
1707 and for which the church does not contract with a person or entity to have installed, in the public church  
1708 buildings used in carrying out the work of the church and its related ministries, including, but not limited  
1709 to worship services; administrative rooms; and kindergarten, elementary, and secondary schools.

1710 17. Medical products and supplies, which are otherwise taxable, such as bandages, gauze  
1711 dressings, incontinence products and wound-care products, when purchased by a Medicaid recipient  
1712 through a Department of Medical Assistance Services provider agreement.

1713 18. Beginning July 1, 2007, and ending July 1, 2012, multifuel heating stoves used for heating an  
1714 individual purchaser's residence. "Multifuel heating stoves" are stoves that are capable of burning a wide  
1715 variety of alternative fuels, including, but not limited to, shelled corn, wood pellets, cherry pits, and olive  
1716 pits.

1717 19. Fabrication of animal meat, grains, vegetables, or other foodstuffs when the purchaser (i)  
1718 supplies the foodstuffs and they are consumed by the purchaser or his family, (ii) is an organization exempt  
1719 from taxation under § 501(c)(3) or (c)(4) of the Internal Revenue Code, or (iii) donates the foodstuffs to  
1720 an organization exempt from taxation under § 501(c)(3) or (c)(4) of the Internal Revenue Code.

1721 20. Beginning July 1, 2018, and ending July 1, 2025, parts, engines, and supplies used for  
1722 maintaining, repairing, or reconditioning aircraft or any aircraft's avionics system, engine, or component  
1723 parts. This exemption shall not apply to tools and other equipment not attached to or that does not become  
1724 a part of the aircraft. For purposes of this subdivision, "aircraft" shall include both manned and unmanned  
1725 systems. However, for manned systems, "aircraft" shall include only aircraft with a maximum takeoff  
1726 weight of at least 2,400 pounds.

1727 21. A gun safe with a selling price of \$1,500 or less. For purposes of this subdivision, "gun safe"  
1728 means a safe or vault that is (i) commercially available, (ii) secured with a digital or dial combination  
1729 locking mechanism or biometric locking mechanism, and (iii) designed for the storage of a firearm or of  
1730 ammunition for use in a firearm. "Gun safe" does not include a glass-faced cabinet. Any discount, coupon,  
1731 or other credit offered by the retailer or a vendor of the retailer to reduce the final price to the customer  
1732 shall be taken into account in determining the selling price for purposes of this exemption.

1733 22. Beginning July 1, 2022, and ending July 1, 2025, prescription medicines and drugs purchased  
1734 by veterinarians and administered or dispensed to patients within a veterinarian-client-patient relationship  
1735 as defined in § 54.1-3303.

1736 **§ 58.1-2401. Definitions.**

1737 As used in this chapter, unless the context ~~clearly shows otherwise, the term or phrase requires a~~  
1738 different meaning:

1739 "Commissioner" ~~shall mean~~ means the Commissioner of the Department of Motor Vehicles of the  
1740 Commonwealth.

1741 "Department" ~~shall mean~~ means the Department of Motor Vehicles of ~~this the~~ Commonwealth,  
1742 acting through its duly authorized officers and agents.

1743 "Mobile office" ~~shall mean~~ means an industrialized building unit not subject to the federal  
1744 regulation, which may be constructed on a chassis for the purpose of towing to the point of use and  
1745 designed to be used with or without a permanent foundation, for commercial use and not for residential  
1746 use; or two or more such units separately towable, but designed to be joined together at the point of use to  
1747 form a single commercial structure, and which may be designed for removal to, and installation or erection  
1748 on other sites.

1749 "Motor vehicle" ~~shall mean~~ means every vehicle, except for mobile office as herein defined, ~~which~~  
1750 that is self-propelled or designed for self-propulsion and every vehicle drawn by or designed to be drawn  
1751 by a motor vehicle, including all-terrain vehicles, manufactured homes, mopeds, and off-road motorcycles  
1752 as those terms are defined in § 46.2-100 and every device in, upon and by which any person or property  
1753 is, or can be, transported or drawn upon a highway, but excepting devices moved by human or animal  
1754 power, devices used exclusively upon stationary rails or tracks and vehicles, other than manufactured  
1755 homes, used in ~~this the~~ Commonwealth but not required to be licensed by the Commonwealth.

1756 "Sale" ~~shall mean~~ means any transfer of ownership or possession, by exchange or barter,  
1757 conditional or otherwise, in any manner or by any means whatsoever, of a motor vehicle. ~~The term shall~~  
1758 "Sale" also ~~include~~ includes a transaction whereby possession is transferred but title is retained by the  
1759 seller as security. ~~The term shall~~ "Sale" does not include a transfer of ownership or possession made to

1760 secure payment of an obligation, nor ~~shall~~ does it include a refund for, or replacement of, a motor vehicle  
1761 of equivalent or lesser value pursuant to the Virginia Motor Vehicle Warranty Enforcement Act (§ 59.1-  
1762 207.9 et seq.). Where the replacement motor vehicle is of greater value than the motor vehicle replaced,  
1763 only the difference in value shall constitute a sale.

1764 "Sale price" ~~shall mean~~ means the total price paid for a motor vehicle and all attachments thereon  
1765 and accessories thereto, as determined by the Commissioner, exclusive of any federal manufacturers'  
1766 excise tax, without any allowance or deduction for trade-ins or unpaid liens or encumbrances. However,  
1767 "sale price" ~~shall~~ does not include (i) any manufacturer rebate or manufacturer incentive payment applied  
1768 to the transaction by the customer or dealer whether as a reduction in the sales price or as payment for the  
1769 vehicle and (ii) the cost of controls, lifts, automatic transmission, power steering, power brakes or any  
1770 other equipment installed in or added to a motor vehicle ~~which~~ that is required by law or regulation as a  
1771 condition for operation of a motor vehicle by a ~~handicapped~~ disabled person.

1772 Article 2.

1773 Exemptions for Elderly and ~~Handicapped~~ Disabled.

1774 § 58.1-3210. Exemption or deferral of taxes on property of certain elderly and disabled  
1775 persons.

1776 A. The governing body of any ~~county, city or town~~ locality may, by ordinance, provide for the  
1777 exemption from, deferral of, or a combination program of exemptions from and deferrals of taxation of  
1778 real estate and manufactured homes as defined in § 36-85.3, or any portion thereof, and upon such  
1779 conditions and in such amount as the ordinance may prescribe. Such real estate shall be owned by, and be  
1780 occupied as the sole dwelling of anyone at least 65 years of age or if provided in the ordinance, anyone  
1781 found to be permanently and totally disabled as defined in § 58.1-3217. Such ordinance may provide for  
1782 the exemption from or deferral of that portion of the tax which represents the increase in tax liability since  
1783 the year such taxpayer reached the age of 65 or became disabled, or the year such ordinance became  
1784 effective, whichever is later. A dwelling jointly held by married individuals, with no other joint owners,  
1785 may qualify if either spouse is 65 or over or is permanently and totally disabled, and the proration of the  
1786 exemption or deferral under § 58.1-3211.1 shall not apply for such dwelling.

1787 B. For purposes of this section, "eligible person" means a person who is at least age 65 or, if  
1788 provided in the ordinance pursuant to subsection A, permanently and totally disabled. Under subsection  
1789 A, real property owned and occupied as the sole dwelling of an eligible person includes real property (i)  
1790 held by the eligible person alone or in conjunction with his spouse as tenant or tenants for life or joint  
1791 lives, (ii) held in a revocable inter vivos trust over which the eligible person or the eligible person and his  
1792 spouse hold the power of revocation, or (iii) held in an irrevocable trust under which an eligible person  
1793 alone or in conjunction with his spouse possesses a life estate or an estate for joint lives or enjoys a  
1794 continuing right of use or support. The term "eligible person" does not include any interest held under a  
1795 leasehold or term of years.

1796 C. For purposes of this article, any reference to:

1797 "Dwelling" ~~shall include~~ includes an improvement to real estate exempt pursuant to this article and  
1798 the land upon which such improvement is situated so long as the improvement is used principally for other  
1799 than a business purpose and is used to house or cover any motor vehicle classified pursuant to subdivisions  
1800 A 3 through 10 of § 58.1-3503; household goods classified pursuant to subdivision A 14 of § 58.1-3503;  
1801 or household goods exempted from personal property tax pursuant to § 58.1-3504.

1802 "Real estate" ~~shall include~~ includes manufactured homes.

1803 **§ 58.1-3213.1. Notice of local real estate tax exemption or deferral program for the elderly**  
1804 **and disabled.**

1805 The treasurer of any county, city or town shall enclose written notice, in each real estate tax bill,  
1806 of the terms and conditions of any local real estate tax exemption or deferral program established in the  
1807 jurisdiction pursuant to § 58.1-3210. The treasurer shall also employ any other reasonable means  
1808 necessary to notify residents of the county, city or town about the terms and conditions of the real estate  
1809 tax exemption or deferral program for elderly and ~~handicapped~~ disabled residents of the county, city or  
1810 town.

1811 **§ 58.1-3503. General classification of tangible personal property.**

1812 A. Tangible personal property is classified for valuation purposes according to the following  
1813 separate categories which are not to be considered separate classes for rate purposes:

- 1814 1. Farm animals, except as exempted under § 58.1-3505.
- 1815 2. Farm machinery, except as exempted under § 58.1-3505.
- 1816 3. Automobiles, except those described in subdivisions 7, 8, and 9 of this subsection and in  
1817 subdivision A 8 of § 58.1-3504, which shall be valued by means of a recognized pricing guide or if the  
1818 model and year of the individual automobile are not listed in the recognized pricing guide, the individual  
1819 vehicle may be valued on the basis of percentage or percentages of original cost. In using a recognized  
1820 pricing guide, the commissioner shall use either of the following two methods. The commissioner may  
1821 use all applicable adjustments in such guide to determine the value of each individual automobile, or  
1822 alternatively, if the commissioner does not utilize all applicable adjustments in valuing each automobile,  
1823 he shall use the base value specified in such guide which may be either average retail, wholesale, or loan  
1824 value, so long as uniformly applied within classifications of property. If the model and year of the  
1825 individual automobile are not listed in the recognized pricing guide, the taxpayer may present to the  
1826 commissioner proof of the original cost, and the basis of the tax for purposes of the motor vehicle sales  
1827 and use tax as described in § 58.1-2405 shall constitute proof of original cost. If such percentage or  
1828 percentages of original cost do not accurately reflect fair market value, or if the taxpayer does not supply  
1829 proof of original cost, then the commissioner may select another method which establishes fair market  
1830 value.
- 1831 4. Trucks of less than two tons, which may be valued by means of a recognized pricing guide or,  
1832 if the model and year of the individual truck are not listed in the recognized pricing guide, on the basis of  
1833 a percentage or percentages of original cost.
- 1834 5. Trucks and other vehicles, as defined in § 46.2-100, except those described in subdivisions 4,  
1835 and 6 through 10 of this subsection, which shall be valued by means of either a recognized pricing guide  
1836 using the lowest value specified in such guide or a percentage or percentages of original cost.
- 1837 6. Manufactured homes, as defined in § 36-85.3, which may be valued on the basis of square  
1838 footage of living space.
- 1839 7. Antique motor vehicles, as defined in § 46.2-100, which may be used for general transportation  
1840 purposes as provided in subsection C of § 46.2-730.

- 1841 8. Taxicabs.
- 1842 9. Motor vehicles with specially designed equipment for use by the ~~handicapped~~ disabled, which  
1843 shall not be valued in relation to their initial cost, but by determining their actual market value if offered  
1844 for sale on the open market.
- 1845 10. Motorcycles, mopeds, all-terrain vehicles, and off-road motorcycles as defined in § 46.2-100,  
1846 campers and other recreational vehicles, which shall be valued by means of a recognized pricing guide or  
1847 a percentage or percentages of original cost.
- 1848 11. Boats weighing under five tons and boat trailers, which shall be valued by means of a  
1849 recognized pricing guide or a percentage or percentages of original cost.
- 1850 12. Boats or watercraft weighing five tons or more, which shall be valued by means of a percentage  
1851 or percentages of original cost.
- 1852 13. Aircraft, which shall be valued by means of a recognized pricing guide or a percentage or  
1853 percentages of original cost.
- 1854 14. Household goods and personal effects, except as exempted under § 58.1-3504.
- 1855 15. Tangible personal property used in a research and development business, which shall be valued  
1856 by means of a percentage or percentages of original cost.
- 1857 16. Programmable computer equipment and peripherals used in business which shall be valued by  
1858 means of a percentage or percentages of original cost to the taxpayer, or by such other method as may  
1859 reasonably be expected to determine the actual fair market value.
- 1860 17. Computer equipment and peripherals used in a data center, as defined in subdivision A 43 of  
1861 § 58.1-3506, which shall be valued by means of a percentage or percentages of original cost, or by such  
1862 other method as may reasonably be expected to determine the actual fair market value.
- 1863 18. All tangible personal property employed in a trade or business other than that described in  
1864 subdivisions 1 through 17, which shall be valued by means of a percentage or percentages of original cost.
- 1865 19. Outdoor advertising signs regulated under Article 1 (§ 33.2-1200 et seq.) of Chapter 12 of Title  
1866 33.2.
- 1867 20. All other tangible personal property.

1868           B. Methods of valuing property may differ among the separate categories, so long as each method  
1869 used is uniform within each category, is consistent with requirements of this section and may reasonably  
1870 be expected to determine actual fair market value as determined by the commissioner of revenue or other  
1871 assessing official; however, assessment ratios shall only be used with the concurrence of the local  
1872 governing body. A commissioner of revenue shall upon request take into account the condition of the  
1873 property. The term "condition of the property" includes, but is not limited to, technological obsolescence  
1874 of property where technological obsolescence is an appropriate factor for valuing such property. The  
1875 commissioner of revenue shall make available to taxpayers on request a reasonable description of his  
1876 valuation methods. Such commissioner, or other assessing officer, or his authorized agent, when using a  
1877 recognized pricing guide as provided for in this section, may automatically extend the assessment if the  
1878 pricing information is stored in a computer. For any locality in which the commissioner of revenue or  
1879 other assessing official adjusts the valuation of property described in subdivision A 3 to account for the  
1880 amount of mileage on such vehicles, such adjustment shall also be provided to motorcycles described in  
1881 subdivision A 10.

1882           **§ 58.1-3506. Other classifications of tangible personal property for taxation.**

1883           A. The items of property set forth below are each declared to be a separate class of property and  
1884 shall constitute a classification for local taxation separate from other classifications of tangible personal  
1885 property provided in this chapter:

- 1886           1. a. Boats or watercraft weighing five tons or more, not used solely for business purposes;  
1887           b. Boats or watercraft weighing less than five tons, not used solely for business purposes;  
1888           2. Aircraft having a maximum passenger seating capacity of no more than 50 that are owned and  
1889 operated by scheduled air carriers operating under certificates of public convenience and necessity issued  
1890 by the State Corporation Commission or the Civil Aeronautics Board;  
1891           3. Aircraft having a registered empty gross weight equal to or greater than 20,000 pounds that are  
1892 not owned or operated by scheduled air carriers recognized under federal law, but not including any  
1893 aircraft described in subdivision 4;

- 1894           4. Aircraft that are (i) considered Warbirds, manufactured and intended for military use, excluding  
1895 those manufactured after 1954, and (ii) used only for (a) exhibit or display to the general public and  
1896 otherwise used for educational purposes (including such flights as are necessary for testing, maintaining,  
1897 or preparing such aircraft for safe operation), or (b) airshow and flight demonstrations (including such  
1898 flights necessary for testing, maintaining, or preparing such aircraft for safe operation), shall constitute a  
1899 new class of property. Such class of property shall not include any aircraft used for commercial purposes,  
1900 including transportation and other services for a fee;
- 1901           5. All other aircraft not included in subdivision 2, 3, or 4 and flight simulators;
- 1902           6. Antique motor vehicles as defined in § 46.2-100 which may be used for general transportation  
1903 purposes as provided in subsection C of § 46.2-730;
- 1904           7. Tangible personal property used in a research and development business;
- 1905           8. Heavy construction machinery not used for business purposes, including land movers,  
1906 bulldozers, front-end loaders, graders, packers, power shovels, cranes, pile drivers, forest harvesting and  
1907 silvicultural activity equipment except as exempted under § 58.1-3505, and ditch and other types of  
1908 diggers;
- 1909           9. Generating equipment purchased after December 31, 1974, for the purpose of changing the  
1910 energy source of a manufacturing plant from oil or natural gas to coal, wood, wood bark, wood residue,  
1911 or any other alternative energy source for use in manufacturing and any cogeneration equipment purchased  
1912 to achieve more efficient use of any energy source. Such generating equipment and cogeneration  
1913 equipment shall include, without limitation, such equipment purchased by firms engaged in the business  
1914 of generating electricity or steam, or both;
- 1915           10. Vehicles without motive power, used or designed to be used as manufactured homes as defined  
1916 in § 36-85.3;
- 1917           11. Computer hardware used by businesses primarily engaged in providing data processing  
1918 services to other nonrelated or nonaffiliated businesses;
- 1919           12. Privately owned pleasure boats and watercraft, 18 feet and over, used for recreational purposes  
1920 only;



1921 13. Privately owned vans with a seating capacity of not less than seven nor more than 15 persons,  
1922 including the driver, used exclusively pursuant to a ridesharing arrangement as defined in § 46.2-1400;

1923 14. Motor vehicles specially equipped to provide transportation for physically ~~handicapped~~  
1924 disabled individuals;

1925 15. Motor vehicles (i) owned by members of a volunteer emergency medical services agency or a  
1926 member of a volunteer fire department or (ii) leased by volunteer emergency medical services personnel  
1927 or a member of a volunteer fire department if the volunteer is obligated by the terms of the lease to pay  
1928 tangible personal property tax on the motor vehicle. One motor vehicle that is owned by each volunteer  
1929 member who meets the definition of "emergency medical services personnel" in § 32.1-111.1 or volunteer  
1930 fire department member, or leased by each volunteer member who meets the definition of "emergency  
1931 medical services personnel" in § 32.1-111.1 or volunteer fire department member if the volunteer is  
1932 obligated by the terms of the lease to pay tangible personal property tax on the motor vehicle, may be  
1933 specially classified under this section, provided the volunteer regularly responds to emergency calls. The  
1934 volunteer shall furnish the commissioner of revenue, or other assessing officer, with a certification by the  
1935 chief of the volunteer emergency medical services agency or volunteer fire department, that the volunteer  
1936 is an individual who meets the definition of "emergency medical services personnel" in § 32.1-111.1 or a  
1937 member of the volunteer fire department who regularly responds to calls or regularly performs other duties  
1938 for the emergency medical services agency or fire department, and the motor vehicle owned or leased by  
1939 the volunteer is identified. The certification shall be submitted by January 31 of each year to the  
1940 commissioner of revenue or other assessing officer; however, the commissioner of revenue or other  
1941 assessing officer shall be authorized, in his discretion, and for good cause shown and without fault on the  
1942 part of the volunteer, to accept a certification after the January 31 deadline. In any county that prorates the  
1943 assessment of tangible personal property pursuant to § 58.1-3516, a replacement vehicle may be certified  
1944 and classified pursuant to this subsection when the vehicle certified as of the immediately prior January  
1945 date is transferred during the tax year;

1946 16. Motor vehicles (i) owned by auxiliary members of a volunteer emergency medical services  
1947 agency or volunteer fire department or (ii) leased by auxiliary members of a volunteer emergency medical

1948 services agency or volunteer fire department if the auxiliary member is obligated by the terms of the lease  
1949 to pay tangible personal property tax on the motor vehicle. One motor vehicle that is regularly used by  
1950 each auxiliary volunteer fire department or emergency medical services agency member may be specially  
1951 classified under this section. The auxiliary member shall furnish the commissioner of revenue, or other  
1952 assessing officer, with a certification by the chief of the volunteer emergency medical services agency or  
1953 volunteer fire department, that the volunteer is an auxiliary member of the volunteer emergency medical  
1954 services agency or fire department who regularly performs duties for the emergency medical services  
1955 agency or fire department, and the motor vehicle is identified as regularly used for such purpose; however,  
1956 if a volunteer meets the definition of "emergency medical services personnel" in § 32.1-111.1 or volunteer  
1957 fire department member and an auxiliary member are members of the same household, that household  
1958 shall be allowed no more than two special classifications under this subdivision or subdivision 15. The  
1959 certification shall be submitted by January 31 of each year to the commissioner of revenue or other  
1960 assessing officer; however, the commissioner of revenue or other assessing officer shall be authorized, in  
1961 his discretion, and for good cause shown and without fault on the part of the auxiliary member, to accept  
1962 a certification after the January 31 deadline;

1963 17. Motor vehicles owned by a nonprofit organization and used to deliver meals to homebound  
1964 persons or provide transportation to senior or ~~handicapped~~ disabled citizens in the community to carry out  
1965 the purposes of the nonprofit organization;

1966 18. Privately owned camping trailers as defined in § 46.2-100, and privately owned travel trailers  
1967 as defined in § 46.2-1500, which are used for recreational purposes only, and privately owned trailers as  
1968 defined in § 46.2-100, which are designed and used for the transportation of horses except those trailers  
1969 described in subdivision A 11 of § 58.1-3505;

1970 19. One motor vehicle owned and regularly used by a veteran who has either lost, or lost the use  
1971 of, one or both legs, or an arm or a hand, or who is blind or who is permanently and totally disabled as  
1972 certified by the Department of Veterans Services. In order to qualify, the veteran shall provide a written  
1973 statement to the commissioner of revenue or other assessing officer from the Department of Veterans  
1974 Services that the veteran has been so designated or classified by the Department of Veterans Services as

1975 to meet the requirements of this section, and that his disability is service-connected. For purposes of this  
1976 section, a person is blind if he meets the provisions of § 46.2-100;

1977         20. Motor vehicles (i) owned by persons who have been appointed to serve as auxiliary police  
1978 officers pursuant to Article 3 (§ 15.2-1731 et seq.) of Chapter 17 of Title 15.2 or (ii) leased by persons  
1979 who have been so appointed to serve as auxiliary police officers if the person is obligated by the terms of  
1980 the lease to pay tangible personal property tax on the motor vehicle. One motor vehicle that is regularly  
1981 used by each auxiliary police officer to respond to auxiliary police duties may be specially classified under  
1982 this section. In order to qualify for such classification, any auxiliary police officer who applies for such  
1983 classification shall identify the vehicle for which this classification is sought, and shall furnish the  
1984 commissioner of revenue or other assessing officer with a certification from the governing body that has  
1985 appointed such auxiliary police officer or from the official who has appointed such auxiliary officers. That  
1986 certification shall state that the applicant is an auxiliary police officer who regularly uses a motor vehicle  
1987 to respond to auxiliary police duties, and it shall state that the vehicle for which the classification is sought  
1988 is the vehicle that is regularly used for that purpose. The certification shall be submitted by January 31 of  
1989 each year to the commissioner of revenue or other assessing officer; however, the commissioner of  
1990 revenue or other assessing officer shall be authorized, in his discretion, and for good cause shown and  
1991 without fault on the part of the member, to accept a certification after the January 31 deadline;

1992         21. Until the first to occur of June 30, 2029, or the date that a special improvements tax is no longer  
1993 levied under § 15.2-4607 on property within a Multicounty Transportation Improvement District created  
1994 pursuant to Chapter 46 (§ 15.2-4600 et seq.) of Title 15.2, tangible personal property that is used in  
1995 manufacturing, testing, or operating satellites within a Multicounty Transportation Improvement District,  
1996 provided that such business personal property is put into service within the District on or after July 1,  
1997 1999;

1998         22. Motor vehicles which use clean special fuels as defined in § 46.2-749.3, which shall not include  
1999 any vehicle described in subdivision 38 or 40;

2000         23. Wild or exotic animals kept for public exhibition in an indoor or outdoor facility that is properly  
2001 licensed by the federal government, the Commonwealth, or both, and that is properly zoned for such use.

**2002** "Wild animals" means any animals that are found in the wild, or in a wild state, within the boundaries of  
**2003** the United States, its territories or possessions. "Exotic animals" means any animals that are found in the  
**2004** wild, or in a wild state, and are native to a foreign country;

**2005** 24. Furniture, office, and maintenance equipment, exclusive of motor vehicles, that are owned and  
**2006** used by an organization whose real property is assessed in accordance with § 58.1-3284.1 and that is used  
**2007** by that organization for the purpose of maintaining or using the open or common space within a residential  
**2008** development;

**2009** 25. Motor vehicles, trailers, and semitrailers with a gross vehicle weight of 10,000 pounds or more  
**2010** used to transport property or passengers for hire by a motor carrier engaged in interstate commerce;

**2011** 26. All tangible personal property employed in a trade or business other than that described in  
**2012** subdivisions A 1 through A 20, except for subdivision A 18, of § 58.1-3503;

**2013** 27. Programmable computer equipment and peripherals employed in a trade or business;

**2014** 28. Privately owned pleasure boats and watercraft, motorized and under 18 feet, used for  
**2015** recreational purposes only;

**2016** 29. Privately owned pleasure boats and watercraft, nonmotorized and under 18 feet, used for  
**2017** recreational purposes only;

**2018** 30. Privately owned motor homes as defined in § 46.2-100 that are used for recreational purposes  
**2019** only;

**2020** 31. Tangible personal property used in the provision of Internet services. For purposes of this  
**2021** subdivision, "Internet service" means a service, including an Internet Web-hosting service, that enables  
**2022** users to access content, information, electronic mail, and the Internet as part of a package of services sold  
**2023** to customers;

**2024** 32. Motor vehicles (i) owned by persons who serve as auxiliary, reserve, volunteer, or special  
**2025** deputy sheriffs or (ii) leased by persons who serve as auxiliary, reserve, volunteer, or special deputy  
**2026** sheriffs if the person is obligated by the terms of the lease to pay tangible personal property tax on the  
**2027** motor vehicle. For purposes of this subdivision, the term "auxiliary deputy sheriff" means auxiliary,  
**2028** reserve, volunteer, or special deputy sheriff. One motor vehicle that is regularly used by each auxiliary

2029 deputy sheriff to respond to auxiliary deputy sheriff duties may be specially classified under this section.  
2030 In order to qualify for such classification, any auxiliary deputy sheriff who applies for such classification  
2031 shall identify the vehicle for which this classification is sought, and shall furnish the commissioner of  
2032 revenue or other assessing officer with a certification from the governing body that has appointed such  
2033 auxiliary deputy sheriff or from the official who has appointed such auxiliary deputy sheriff. That  
2034 certification shall state that the applicant is an auxiliary deputy sheriff who regularly uses a motor vehicle  
2035 to respond to such auxiliary duties, and it shall state that the vehicle for which the classification is sought  
2036 is the vehicle that is regularly used for that purpose. The certification shall be submitted by January 31 of  
2037 each year to the commissioner of revenue or other assessing officer; however, the commissioner of  
2038 revenue or other assessing officer shall be authorized, in his discretion, and for good cause shown and  
2039 without fault on the part of the member, to accept a certification after the January 31 deadline;

2040 33. Forest harvesting and silvicultural activity equipment, except as exempted under § 58.1-3505;

2041 34. Equipment used primarily for research, development, production, or provision of  
2042 biotechnology for the purpose of developing or providing products or processes for specific commercial  
2043 or public purposes, including medical, pharmaceutical, nutritional, and other health-related purposes;  
2044 agricultural purposes; or environmental purposes but not for human cloning purposes as defined in § 32.1-  
2045 162.21 or for products or purposes related to human embryo stem cells. For purposes of this section,  
2046 biotechnology equipment means equipment directly used in activities associated with the science of living  
2047 things;

2048 35. Boats or watercraft weighing less than five tons, used for business purposes only;

2049 36. Boats or watercraft weighing five tons or more, used for business purposes only;

2050 37. Tangible personal property which is owned and operated by a service provider who is not a  
2051 CMRS provider and is not licensed by the FCC used to provide, for a fee, wireless broadband Internet  
2052 service. For purposes of this subdivision, "wireless broadband Internet service" means a service that  
2053 enables customers to access, through a wireless connection at an upload or download bit rate of more than  
2054 one megabyte per second, Internet service, as defined in § 58.1-602, as part of a package of services sold  
2055 to customers;

- 2056 38. Low-speed vehicles as defined in § 46.2-100;
- 2057 39. Motor vehicles with a seating capacity of not less than 30 persons, including the driver;
- 2058 40. Motor vehicles powered solely by electricity;
- 2059 41. Tangible personal property designed and used primarily for the purpose of manufacturing a
- 2060 product from renewable energy as defined in § 56-576;
- 2061 42. Motor vehicles leased by a county, city, town, or constitutional officer if the locality or
- 2062 constitutional officer is obligated by the terms of the lease to pay tangible personal property tax on the
- 2063 motor vehicle;
- 2064 43. Computer equipment and peripherals used in a data center. For purposes of this subdivision,
- 2065 "data center" means a facility whose primary services are the storage, management, and processing of
- 2066 digital data and is used to house (i) computer and network systems, including associated components such
- 2067 as servers, network equipment and appliances, telecommunications, and data storage systems; (ii) systems
- 2068 for monitoring and managing infrastructure performance; (iii) equipment used for the transformation,
- 2069 transmission, distribution, or management of at least one megawatt of capacity of electrical power and
- 2070 cooling, including substations, uninterruptible power supply systems, all electrical plant equipment, and
- 2071 associated air handlers; (iv) Internet-related equipment and services; (v) data communications
- 2072 connections; (vi) environmental controls; (vii) fire protection systems; and (viii) security systems and
- 2073 services;
- 2074 44. Motor vehicles (i) owned by persons who serve as uniformed members of the Virginia Defense
- 2075 Force pursuant to Article 4.2 (§ 44-54.4 et seq.) of Chapter 1 of Title 44 or (ii) leased by persons who
- 2076 serve as uniformed members of the Virginia Defense Force pursuant to Article 4.2 (§ 44-54.4 et seq.) of
- 2077 Chapter 1 of Title 44 if the person is obligated by the terms of the lease to pay tangible personal property
- 2078 tax on the motor vehicle. One motor vehicle that is regularly used by a uniformed member of the Virginia
- 2079 Defense Force to respond to his official duties may be specially classified under this section. In order to
- 2080 qualify for such classification, any person who applies for such classification shall identify the vehicle for
- 2081 which the classification is sought and shall furnish to the commissioner of the revenue or other assessing
- 2082 officer a certification from the Adjutant General of the Department of Military Affairs under § 44-11. That

2083 certification shall state that (a) the applicant is a uniformed member of the Virginia Defense Force who  
2084 regularly uses a motor vehicle to respond to his official duties, and (b) the vehicle for which the  
2085 classification is sought is the vehicle that is regularly used for that purpose. The certification shall be  
2086 submitted by January 31 of each year to the commissioner of the revenue or other assessing officer;  
2087 however, the commissioner of revenue or other assessing officer shall be authorized, in his discretion, and  
2088 for good cause shown and without fault on the part of the member, to accept a certification after the  
2089 January 31 deadline;

2090 45. If a locality has adopted an ordinance pursuant to subsection D of § 58.1-3703, tangible  
2091 personal property of a business that qualifies under such ordinance for the first two tax years in which the  
2092 business is subject to tax upon its personal property pursuant to this chapter. If a locality has not adopted  
2093 such ordinance, this classification shall apply to the tangible personal property for such first two tax years  
2094 of a business that otherwise meets the requirements of subsection D of § 58.1-3703;

2095 46. Miscellaneous and incidental tangible personal property employed in a trade or business that  
2096 is not classified as machinery and tools pursuant to Article 2 (§ 58.1-3507 et seq.), merchants' capital  
2097 pursuant to Article 3 (§ 58.1-3509 et seq.), or short-term rental property pursuant to Article 3.1 (§ 58.1-  
2098 3510.4 et seq.), and has an original cost of less than \$500. A county, city, or town shall allow a taxpayer  
2099 to provide an aggregate estimate of the total cost of all such property owned by the taxpayer that qualifies  
2100 under this subdivision, in lieu of a specific, itemized list;

2101 47. Commercial fishing vessels and property permanently attached to such vessels; and

2102 48. The following classifications of vehicles:

2103 a. Automobiles as described in subdivision A 3 of § 58.1-3503;

2104 b. Trucks of less than two tons as described in subdivision A 4 of § 58.1-3503;

2105 c. Trucks and other vehicles as described in subdivision A 5 of § 58.1-3503;

2106 d. Motor vehicles with specially designed equipment for use by the ~~handicapped~~ disabled as  
2107 described in subdivision A 9 of § 58.1-3503; and

2108 e. Motorcycles, mopeds, all-terrain vehicles, off-road motorcycles, campers, and other recreational  
2109 vehicles as described in subdivision A 10 of § 58.1-3503.

2110 B. The governing body of any county, city, or town may levy a tax on the property enumerated in  
2111 subsection A at different rates from the tax levied on other tangible personal property. The rates of tax and  
2112 the rates of assessment shall (i) for purposes of subdivisions A 1, 2, 3, 4, 5, 6, 8, 11 through 20, 22 through  
2113 24, and 26 through 47, not exceed that applicable to the general class of tangible personal property, (ii)  
2114 for purposes of subdivisions A 7, 9, 21, and 25, not exceed that applicable to machinery and tools, and  
2115 (iii) for purposes of subdivision A 10, equal that applicable to real property. If an item of personal property  
2116 is included in multiple classifications under subsection A, then the rate of tax shall be the lowest rate  
2117 assigned to such classifications.

2118 C. Notwithstanding any other provision of this section, for any qualifying vehicle, as such term is  
2119 defined in § 58.1-3523, (i) included in any separate class of property in subsection A and (ii) assessed for  
2120 tangible personal property taxes by a county, city, or town receiving a payment from the Commonwealth  
2121 under Chapter 35.1 (§ 58.1-3523 et seq.) for providing tangible personal property tax relief, the county,  
2122 city, or town may levy the tangible personal property tax on such qualifying vehicle at a rate not to exceed  
2123 the rates of tax and rates of assessment required under such chapter.

2124 Article 1.01.

2125 Alternative Tax Rates for Elderly and ~~Handicapped~~ Disabled.

2126 **§ 58.1-3506.1. Other classification for taxation of certain tangible personal property owned**  
2127 **by certain elderly and disabled persons.**

2128 The governing body of any ~~county, city or town~~ locality may, by ordinance, levy a tax on one  
2129 motor vehicle owned and used primarily by or for anyone at least 65 years of age or anyone found to be  
2130 permanently and totally disabled, as defined in § 58.1-3506.3, at a different rate from the tax levied on  
2131 other tangible personal property, upon such conditions as the ordinance may prescribe. Such rate shall not  
2132 exceed the tangible personal property tax on the general class of tangible personal property. For purposes  
2133 of this article, the term motor vehicle shall include only automobiles and pickup trucks. Any such motor  
2134 vehicle owned by married individuals may qualify if either spouse is 65 or over or if either spouse is  
2135 permanently and totally disabled. Notwithstanding any other provision of this section or article, for any  
2136 automobile or pickup truck that is (i) a qualifying vehicle, as such term is defined in § 58.1-3523, and (ii)



2137 assessed for tangible personal property taxes by a county, city, or town receiving a payment from the  
2138 Commonwealth under Chapter 35.1 (§ 58.1-3523 et seq.) for providing tangible personal property tax  
2139 relief, the rate of tax levied pursuant to this article shall not exceed the rates of tax and rates of assessment  
2140 required under such chapter.

2141       **§ 58.1-3506.6. Notice of local tangible personal property tax relief program for the elderly**  
2142 **and disabled.**

2143       The treasurer of any county, city or town shall enclose written notice, in each tangible personal  
2144 property tax bill, of the terms and conditions of any local tangible personal property tax relief program  
2145 established in the jurisdiction pursuant to § 58.1-3506.1. The treasurer shall also employ any other  
2146 reasonable means necessary to notify residents of the county, city or town about the terms and conditions  
2147 of the tangible personal property tax relief program for elderly and ~~handicapped~~ disabled residents of the  
2148 county, city or town.

2149       **§ 58.1-3833. County food and beverage tax.**

2150       A. 1. Any county is hereby authorized to levy a tax on food and beverages sold, for human  
2151 consumption, by a restaurant, as such term is defined in § 35.1-1, not to exceed six percent of the amount  
2152 charged for such food and beverages. Such tax shall not be levied on food and beverages sold through  
2153 vending machines or by (i) boardinghouses that do not accommodate transients; (ii) cafeterias operated  
2154 by industrial plants for employees only; (iii) restaurants to their employees as part of their compensation  
2155 when no charge is made to the employee; (iv) volunteer fire departments and volunteer emergency medical  
2156 services agencies; nonprofit churches or other religious bodies; or educational, charitable, fraternal, or  
2157 benevolent organizations the first three times per calendar year and, beginning with the fourth time, on  
2158 the first \$100,000 of gross receipts per calendar year from sales of food and beverages (excluding gross  
2159 receipts from the first three times), as a fundraising activity, the gross proceeds of which are to be used by  
2160 such church, religious body or organization exclusively for nonprofit educational, charitable, benevolent,  
2161 or religious purposes; (v) churches that serve meals for their members as a regular part of their religious  
2162 observances; (vi) public or private elementary or secondary schools or institutions of higher education to  
2163 their students or employees; (vii) hospitals, medical clinics, convalescent homes, nursing homes, or other

2164 extended care facilities to patients or residents thereof; (viii) day care centers; (ix) homes for the aged,  
2165 infirm, ~~handicapped or disabled~~, battered women, narcotic addicts, or alcoholics; (x) age-restricted  
2166 apartment complexes or residences with restaurants, not open to the public, where meals are served and  
2167 fees are charged for such food and beverages and are included in rental fees; or (xi) sellers at local farmers  
2168 markets and roadside stands, when such sellers' annual income from such sales does not exceed \$2,500.  
2169 For the exemption described in clause (xi), the sellers' annual income shall include income from sales at  
2170 all local farmers markets and roadside stands, not just those sales occurring in the locality imposing the  
2171 tax. Also, the tax shall not be levied on food and beverages: (a) when used or consumed and paid for by  
2172 the Commonwealth, any political subdivision of the Commonwealth, or the United States; (b) provided  
2173 by a public or private nonprofit charitable organization or establishment to elderly, infirm, blind,  
2174 ~~handicapped disabled~~, or needy persons in their homes, or at central locations; or (c) provided by private  
2175 establishments that contract with the appropriate agency of the Commonwealth to offer food, food  
2176 products, or beverages for immediate consumption at concession prices to elderly, infirm, blind,  
2177 ~~handicapped disabled~~, or needy persons in their homes or at central locations.

2178 2. Grocery stores and convenience stores selling prepared foods ready for human consumption at  
2179 a delicatessen counter shall be subject to the tax, for that portion of the grocery store or convenience store  
2180 selling such items.

2181 The term "beverage" as set forth herein ~~shall mean~~ means alcoholic beverages as defined in § 4.1-  
2182 100 and nonalcoholic beverages served as part of a meal. The tax shall be in addition to the sales tax  
2183 currently imposed by the county pursuant to the authority of Chapter 6 (§ 58.1-600 et seq.). Collection of  
2184 such tax shall be in a manner prescribed by the governing body.

2185 B. Nothing herein contained shall affect any authority heretofore granted to any county, city, or  
2186 town to levy a meals tax. The county tax limitations imposed pursuant to § 58.1-3711 shall apply to any  
2187 tax levied under this section, mutatis mutandis. All food and beverage tax collections and all meals tax  
2188 collections shall be deemed to be held in trust for the county, city, or town imposing the applicable tax.  
2189 The wrongful and fraudulent use of such collections other than remittance of the same as provided by law  
2190 shall constitute embezzlement pursuant to § 18.2-111.

2191 C. Notwithstanding any other provision of this section, no locality shall levy any tax under this  
2192 section upon (i) that portion of the amount paid by the purchaser as a discretionary gratuity in addition to  
2193 the sales price; (ii) that portion of the amount paid by the purchaser as a mandatory gratuity or service  
2194 charge added by the restaurant in addition to the sales price, but only to the extent that such mandatory  
2195 gratuity or service charge does not exceed 20 percent of the sales price; or (iii) alcoholic beverages sold  
2196 in factory sealed containers and purchased for off-premises consumption or food purchased for human  
2197 consumption as "food" is defined in the Food Stamp Act of 1977, 7 U.S.C. § 2012, as amended, and  
2198 federal regulations adopted pursuant to that act, except for the following items: sandwiches, salad bar  
2199 items sold from a salad bar, prepackaged single-serving salads consisting primarily of an assortment of  
2200 vegetables, and nonfactory sealed beverages.

2201 **§ 58.1-3840. Certain excise taxes permitted.**

2202 A. The provisions of Chapter 6 (§ 58.1-600 et seq.) to the contrary notwithstanding, any city or  
2203 town having general taxing powers established by charter pursuant to or consistent with the provisions of  
2204 § 15.2-1104 and, to the extent authorized in this chapter, any county may impose excise taxes on cigarettes,  
2205 admissions, transient room rentals, meals, and travel campgrounds. No such taxes on meals may be  
2206 imposed on (i) that portion of the amount paid by the purchaser as a discretionary gratuity in addition to  
2207 the sales price of the meal; (ii) that portion of the amount paid by the purchaser as a mandatory gratuity  
2208 or service charge added by the restaurant in addition to the sales price of the meal, but only to the extent  
2209 that such mandatory gratuity or service charge does not exceed 20 percent of the sales price; or (iii) food  
2210 and beverages sold through vending machines or on any tangible personal property purchased with food  
2211 coupons issued by the ~~United States~~ U.S. Department of Agriculture under the Food Stamp Program or  
2212 drafts issued through the Virginia Special Supplemental Food Program for Women, Infants, and Children.  
2213 No such taxes on meals may be imposed when sold or provided by (a) restaurants, as such term is defined  
2214 in § 35.1-1, to their employees as part of their compensation when no charge is made to the employee; (b)  
2215 volunteer fire departments and volunteer emergency medical services agencies; nonprofit churches or  
2216 other religious bodies; or educational, charitable, fraternal, or benevolent organizations, the first three  
2217 times per calendar year and, beginning with the fourth time, on the first \$100,000 of gross receipts per

2218 calendar year from sales of meals (excluding gross receipts from the first three times), as a fundraising  
2219 activity, the gross proceeds of which are to be used by such church, religious body or organization  
2220 exclusively for nonprofit educational, charitable, benevolent, or religious purposes; (c) churches that serve  
2221 meals for their members as a regular part of their religious observances; (d) public or private elementary  
2222 or secondary schools or institutions of higher education to their students or employees; (e) hospitals,  
2223 medical clinics, convalescent homes, nursing homes, or other extended care facilities to patients or  
2224 residents thereof; (f) day care centers; (g) homes for the aged, infirm, ~~handicapped~~ or disabled, battered  
2225 women, narcotic addicts, or alcoholics; (h) age-restricted apartment complexes or residences with  
2226 restaurants, not open to the public, where meals are served and fees are charged for such food and  
2227 beverages and are included in rental fees; or (i) sellers at local farmers markets and roadside stands, when  
2228 such sellers' annual income from such sales does not exceed \$2,500. For the exemption described in clause  
2229 (i), the sellers' annual income shall include income from sales at all local farmers markets and roadside  
2230 stands, not just those sales occurring in the locality imposing the tax.

2231 Also, the tax shall not be levied on meals: (1) when used or consumed and paid for by the  
2232 Commonwealth, any political subdivision of the Commonwealth, or the United States; (2) provided by a  
2233 public or private nonprofit charitable organization or establishment to elderly, infirm, blind, ~~handicapped~~  
2234 disabled, or needy persons in their homes, or at central locations; or (3) provided by private establishments  
2235 that contract with the appropriate agency of the Commonwealth to offer food, food products, or beverages  
2236 for immediate consumption at concession prices to elderly, infirm, blind, ~~handicapped~~ disabled, or needy  
2237 persons in their homes or at central locations.

2238 In addition, as set forth in § 51.5-98, no blind person operating a vending stand or other business  
2239 enterprise under the jurisdiction of the Department for the Blind and Vision Impaired and located on  
2240 property acquired and used by the United States for any military or naval purpose shall be required to  
2241 collect and remit meals taxes.

2242 B. Notwithstanding any other provision of this section, no city or town shall levy any tax under  
2243 this section upon alcoholic beverages sold in factory sealed containers and purchased for off-premises  
2244 consumption or food purchased for human consumption as "food" is defined in the Food Stamp Act of

2245 1977, 7 U.S.C. § 2012, as amended, and federal regulations adopted pursuant to that act, except for the  
2246 following items: sandwiches, salad bar items sold from a salad bar, prepackaged single-serving salads  
2247 consisting primarily of an assortment of vegetables, and nonfactory sealed beverages.

2248 C. Any city or town that is authorized to levy a tax on admissions may levy the tax on admissions  
2249 paid for any event held at facilities that are not owned by the city or town at a lower rate than the rate  
2250 levied on admissions paid for any event held at its city- or town-owned civic centers, stadiums, and  
2251 amphitheaters.

2252 D. [Expired.]

2253 **§ 58.1-4024. Employees of the Department.**

2254 Employees of the Department shall be exempt from the provisions of the Virginia Personnel Act,  
2255 Chapter 29 (§ 2.2-2900 et seq.) of Title 2.2. Personnel actions shall be taken without regard to race, sex,  
2256 sexual orientation, gender identity, color, national origin, religion, age, handicap disability, or political  
2257 affiliation.

2258 **§ 63.2-100. Definitions.**

2259 As used in this title, unless the context requires a different meaning:

2260 "Abused or neglected child" means any child less than 18 years of age:

2261 1. Whose parents or other person responsible for his care creates or inflicts, threatens to create or  
2262 inflict, or allows to be created or inflicted upon such child a physical or mental injury by other than  
2263 accidental means, or creates a substantial risk of death, disfigurement, or impairment of bodily or mental  
2264 functions, including, but not limited to, a child who is with his parent or other person responsible for his  
2265 care either (i) during the manufacture or attempted manufacture of a Schedule I or II controlled substance,  
2266 or (ii) during the unlawful sale of such substance by that child's parents or other person responsible for his  
2267 care, where such manufacture, or attempted manufacture or unlawful sale would constitute a felony  
2268 violation of § 18.2-248;

2269 2. Whose parents or other person responsible for his care neglects or refuses to provide care  
2270 necessary for his health. However, no child who in good faith is under treatment solely by spiritual means  
2271 through prayer in accordance with the tenets and practices of a recognized church or religious

2272 denomination shall for that reason alone be considered to be an abused or neglected child. Further, a  
2273 decision by parents who have legal authority for the child or, in the absence of parents with legal authority  
2274 for the child, any person with legal authority for the child, who refuses a particular medical treatment for  
2275 a child with a life-threatening condition shall not be deemed a refusal to provide necessary care if (i) such  
2276 decision is made jointly by the parents or other person with legal authority and the child; (ii) the child has  
2277 reached 14 years of age and is sufficiently mature to have an informed opinion on the subject of his medical  
2278 treatment; (iii) the parents or other person with legal authority and the child have considered alternative  
2279 treatment options; and (iv) the parents or other person with legal authority and the child believe in good  
2280 faith that such decision is in the child's best interest. Nothing in this subdivision shall be construed to limit  
2281 the provisions of § 16.1-278.4;

2282 3. Whose parents or other person responsible for his care abandons such child;

2283 4. Whose parents or other person responsible for his care, or an intimate partner of such parent or  
2284 person, commits or allows to be committed any act of sexual exploitation or any sexual act upon a child  
2285 in violation of the law;

2286 5. Who is without parental care or guardianship caused by the unreasonable absence or the mental  
2287 or physical incapacity of the child's parent, guardian, legal custodian or other person standing in loco  
2288 parentis;

2289 6. Whose parents or other person responsible for his care creates a substantial risk of physical or  
2290 mental injury by knowingly leaving the child alone in the same dwelling, including an apartment as  
2291 defined in § 55.1-2000, with a person to whom the child is not related by blood or marriage and who the  
2292 parent or other person responsible for his care knows has been convicted of an offense against a minor for  
2293 which registration is required as a Tier III offender pursuant to § 9.1-902; or

2294 7. Who has been identified as a victim of sex trafficking or severe forms of trafficking as defined  
2295 in the Trafficking Victims Protection Act of 2000, 22 U.S.C § 7102 et seq., and in the Justice for Victims  
2296 of Trafficking Act of 2015, 42 U.S.C. § 5101 et seq.

2297 If a civil proceeding under this title is based solely on the parent having left the child at a hospital  
2298 or emergency medical services agency, it shall be an affirmative defense that such parent safely delivered

2299 the child within 30 days of the child's birth to (i) a hospital that provides 24-hour emergency services, (ii)  
2300 an attended emergency medical services agency that employs emergency medical services providers, or  
2301 (iii) a newborn safety device located at and operated by such hospital or emergency medical services  
2302 agency. For purposes of terminating parental rights pursuant to § 16.1-283 and placement for adoption,  
2303 the court may find such a child is a neglected child upon the ground of abandonment.

2304 "Adoptive home" means any family home selected and approved by a parent, local board or a  
2305 licensed child-placing agency for the placement of a child with the intent of adoption.

2306 "Adoptive placement" means arranging for the care of a child who is in the custody of a child-  
2307 placing agency in an approved home for the purpose of adoption.

2308 "Adult abuse" means the willful infliction of physical pain, injury or mental anguish or  
2309 unreasonable confinement of an adult as defined in § 63.2-1603.

2310 "Adult day care center" means any facility that is either operated for profit or that desires licensure  
2311 and that provides supplementary care and protection during only a part of the day to four or more aged,  
2312 infirm or disabled adults who reside elsewhere, except (i) a facility or portion of a facility licensed by the  
2313 State Board of Health or the Department of Behavioral Health and Developmental Services, and (ii) the  
2314 home or residence of an individual who cares for only persons related to him by blood or marriage.  
2315 Included in this definition are any two or more places, establishments or institutions owned, operated or  
2316 controlled by a single entity and providing such supplementary care and protection to a combined total of  
2317 four or more aged, infirm or disabled adults.

2318 "Adult exploitation" means the illegal, unauthorized, improper, or fraudulent use of an adult as  
2319 defined in § 63.2-1603 or his funds, property, benefits, resources, or other assets for another's profit,  
2320 benefit, or advantage, including a caregiver or person serving in a fiduciary capacity, or that deprives the  
2321 adult of his rightful use of or access to such funds, property, benefits, resources, or other assets. "Adult  
2322 exploitation" includes (i) an intentional breach of a fiduciary obligation to an adult to his detriment or an  
2323 intentional failure to use the financial resources of an adult in a manner that results in neglect of such  
2324 adult; (ii) the acquisition, possession, or control of an adult's financial resources or property through the  
2325 use of undue influence, coercion, or duress; and (iii) forcing or coercing an adult to pay for goods or

2326 services or perform services against his will for another's profit, benefit, or advantage if the adult did not  
2327 agree, or was tricked, misled, or defrauded into agreeing, to pay for such goods or services or to perform  
2328 such services.

2329 "Adult foster care" means room and board, supervision, and special services to an adult who has a  
2330 physical or mental condition. Adult foster care may be provided by a single provider for up to three adults.  
2331 "Adult foster care" does not include services or support provided to individuals through the Fostering  
2332 Futures program set forth in Article 2 (§ 63.2-917 et seq.) of Chapter 9.

2333 "Adult neglect" means that an adult as defined in § 63.2-1603 is living under such circumstances  
2334 that he is not able to provide for himself or is not being provided services necessary to maintain his  
2335 physical and mental health and that the failure to receive such necessary services impairs or threatens to  
2336 impair his well-being. However, no adult shall be considered neglected solely on the basis that such adult  
2337 is receiving religious nonmedical treatment or religious nonmedical nursing care in lieu of medical care,  
2338 provided that such treatment or care is performed in good faith and in accordance with the religious  
2339 practices of the adult and there is a written or oral expression of consent by that adult.

2340 "Adult protective services" means services provided by the local department that are necessary to  
2341 protect an adult as defined in § 63.2-1603 from abuse, neglect or exploitation.

2342 "Assisted living care" means a level of service provided by an assisted living facility for adults  
2343 who may have physical or mental impairments and require at least a moderate level of assistance with  
2344 activities of daily living.

2345 "Assisted living facility" means any congregate residential setting that provides or coordinates  
2346 personal and health care services, 24-hour supervision, and assistance (scheduled and unscheduled) for  
2347 the maintenance or care of four or more adults who are aged, infirm or disabled and who are cared for in  
2348 a primarily residential setting, except (i) a facility or portion of a facility licensed by the State Board of  
2349 Health or the Department of Behavioral Health and Developmental Services, but including any portion of  
2350 such facility not so licensed; (ii) the home or residence of an individual who cares for or maintains only  
2351 persons related to him by blood or marriage; (iii) a facility or portion of a facility serving infirm or disabled  
2352 persons between the ages of 18 and 21, or 22 if enrolled in an educational program for the [handicapped](#)



2353 [disabled](#) pursuant to § 22.1-214, when such facility is licensed by the Department as a children's residential  
2354 facility under Chapter 17 (§ 63.2-1700 et seq.), but including any portion of the facility not so licensed;  
2355 and (iv) any housing project for persons 62 years of age or older or the disabled that provides no more  
2356 than basic coordination of care services and is funded by the U.S. Department of Housing and Urban  
2357 Development, by the U.S. Department of Agriculture, or by the Virginia Housing Development Authority.  
2358 Included in this definition are any two or more places, establishments or institutions owned or operated  
2359 by a single entity and providing maintenance or care to a combined total of four or more aged, infirm or  
2360 disabled adults. Maintenance or care means the protection, general supervision and oversight of the  
2361 physical and mental well-being of an aged, infirm or disabled individual.

2362 "Auxiliary grants" means cash payments made to certain aged, blind or disabled individuals who  
2363 receive benefits under Title XVI of the Social Security Act, as amended, or would be eligible to receive  
2364 these benefits except for excess income.

2365 "Birth family" or "birth sibling" means the child's biological family or biological sibling.

2366 "Birth parent" means the child's biological parent and, for purposes of adoptive placement, means  
2367 parent(s) by previous adoption.

2368 "Board" means the State Board of Social Services.

2369 "Child" means any natural person who is (i) under 18 years of age or (ii) for purposes of the  
2370 Fostering Futures program set forth in Article 2 (§ 63.2-917 et seq.) of Chapter 9, under 21 years of age  
2371 and meets the eligibility criteria set forth in § 63.2-919.

2372 "Child-placing agency" means (i) any person who places children in foster homes, adoptive homes  
2373 or independent living arrangements pursuant to § 63.2-1819, (ii) a local board that places children in foster  
2374 homes or adoptive homes pursuant to §§ 63.2-900, 63.2-903, and 63.2-1221, or (iii) an entity that assists  
2375 parents with the process of delegating parental and legal custodial powers of their children pursuant to  
2376 Chapter 10 (§ 20-166 et seq.) of Title 20. "Child-placing agency" does not include the persons to whom  
2377 such parental or legal custodial powers are delegated pursuant to Chapter 10 (§ 20-166 et seq.) of Title  
2378 20. Officers, employees, or agents of the Commonwealth, or any locality acting within the scope of their  
2379 authority as such, who serve as or maintain a child-placing agency, shall not be required to be licensed.

2380 "Child-protective services" means the identification, receipt and immediate response to complaints  
2381 and reports of alleged child abuse or neglect for children under 18 years of age. It also includes assessment,  
2382 and arranging for and providing necessary protective and rehabilitative services for a child and his family  
2383 when the child has been found to have been abused or neglected or is at risk of being abused or neglected.

2384 "Child support services" means any civil, criminal or administrative action taken by the Division  
2385 of Child Support Enforcement to locate parents; establish paternity; and establish, modify, enforce, or  
2386 collect child support, or child and spousal support.

2387 "Child-welfare agency" means a child-placing agency, children's residential facility, or  
2388 independent foster home.

2389 "Children's residential facility" means any facility, child-caring institution, or group home that is  
2390 maintained for the purpose of receiving children separated from their parents or guardians for full-time  
2391 care, maintenance, protection and guidance, or for the purpose of providing independent living services  
2392 to persons between 18 and 21 years of age who are in the process of transitioning out of foster care.  
2393 Children's residential facility shall not include:

- 2394 1. A licensed or accredited educational institution whose pupils, in the ordinary course of events,  
2395 return annually to the homes of their parents or guardians for not less than two months of summer vacation;  
2396 2. An establishment required to be licensed as a summer camp by § 35.1-18; and  
2397 3. A licensed or accredited hospital legally maintained as such.

2398 "Commissioner" means the Commissioner of the Department, his designee or authorized  
2399 representative.

2400 "Department" means the State Department of Social Services.

2401 "Department of Health and Human Services" means the Department of Health and Human  
2402 Services of the United States government or any department or agency thereof that may hereafter be  
2403 designated as the agency to administer the Social Security Act, as amended.

2404 "Disposable income" means that part of the income due and payable of any individual remaining  
2405 after the deduction of any amount required by law to be withheld.

2406 "Energy assistance" means benefits to assist low-income households with their home heating and  
2407 cooling needs, including, but not limited to, purchase of materials or substances used for home heating,  
2408 repair or replacement of heating equipment, emergency intervention in no-heat situations, purchase or  
2409 repair of cooling equipment, and payment of electric bills to operate cooling equipment, in accordance  
2410 with § 63.2-805, or provided under the Virginia Energy Assistance Program established pursuant to the  
2411 Low-Income Home Energy Assistance Act of 1981 (Title XXVI of ~~Public Law~~ P.L. 97-35), as amended.

2412 "Family and permanency team" means the group of individuals assembled by the local department  
2413 to assist with determining planning and placement options for a child, which shall include, as appropriate,  
2414 all biological relatives and fictive kin of the child, as well as any professionals who have served as a  
2415 resource to the child or his family, such as teachers, medical or mental health providers, and clergy  
2416 members. In the case of a child who is 14 years of age or older, the family and permanency team shall  
2417 also include any members of the child's case planning team that were selected by the child in accordance  
2418 with subsection A of § 16.1-281.

2419 "Federal-Funded Kinship Guardianship Assistance program" means a program consistent with 42  
2420 U.S.C. § 673 that provides, subject to a kinship guardianship assistance agreement developed in  
2421 accordance with § 63.2-1305, payments to eligible individuals who have received custody of a child of  
2422 whom they had been the foster parents.

2423 "Fictive kin" means persons who are not related to a child by blood or adoption but have an  
2424 established relationship with the child or his family.

2425 "Foster care placement" means placement of a child through (i) an agreement between the parents  
2426 or guardians and the local board where legal custody remains with the parents or guardians or (ii) an  
2427 entrustment or commitment of the child to the local board or licensed child-placing agency. "Foster care  
2428 placement" does not include placement of a child in accordance with a power of attorney pursuant to  
2429 Chapter 10 (§ 20-166 et seq.) of Title 20.

2430 "Foster home" means a residence approved by a child-placing agency or local board in which any  
2431 child, other than a child by birth or adoption of such person or a child who is the subject of a power of  
2432 attorney to delegate parental or legal custodial powers by his parents or legal custodian to the natural

2433 person who has been designated the child's legal guardian pursuant to Chapter 10 (§ 20-166 et seq.) of  
2434 Title 20 and who exercises legal authority over the child on a continuous basis for at least 24 hours without  
2435 compensation, resides as a member of the household.

2436 "General relief" means money payments and other forms of relief made to those persons mentioned  
2437 in § 63.2-802 in accordance with the regulations of the Board and reimbursable in accordance with § 63.2-  
2438 401.

2439 "Independent foster home" means a private family home in which any child, other than a child by  
2440 birth or adoption of such person, resides as a member of the household and has been placed therein  
2441 independently of a child-placing agency except (i) a home in which are received only children related by  
2442 birth or adoption of the person who maintains such home and children of personal friends of such person;  
2443 (ii) a home in which is received a child or children committed under the provisions of subdivision A 4 of  
2444 § 16.1-278.2, subdivision 6 of § 16.1-278.4, or subdivision A 13 of § 16.1-278.8; and (iii) a home in which  
2445 are received only children who are the subject of a properly executed power of attorney pursuant to  
2446 Chapter 10 (§ 20-166 et seq.) of Title 20.

2447 "Independent living" means a planned program of services designed to assist a child age 16 and  
2448 over and persons who are former foster care children or were formerly committed to the Department of  
2449 Juvenile Justice and are between the ages of 18 and 21 in transitioning to self-sufficiency.

2450 "Independent living arrangement" means placement of (i) a child at least 16 years of age who is in  
2451 the custody of a local board or licensed child-placing agency by the local board or licensed child-placing  
2452 agency or (ii) a child at least 16 years of age or a person between the ages of 18 and 21 who was committed  
2453 to the Department of Juvenile Justice immediately prior to placement by the Department of Juvenile  
2454 Justice, in a living arrangement in which such child or person does not have daily substitute parental  
2455 supervision.

2456 "Independent living services" means services and activities provided to a child in foster care 14  
2457 years of age or older who was committed or entrusted to a local board of social services, child welfare  
2458 agency, or private child-placing agency. "Independent living services" may also mean services and  
2459 activities provided to a person who (i) was in foster care on his 18th birthday and has not yet reached the

2460 age of 21 years; (ii) is between the ages of 18 and 21 and who, immediately prior to his commitment to  
2461 the Department of Juvenile Justice, was in the custody of a local board of social services; or (iii) is a child  
2462 at least 16 years of age or a person between the ages of 18 and 21 who was committed to the Department  
2463 of Juvenile Justice immediately prior to placement in an independent living arrangement. Such services  
2464 shall include counseling, education, housing, employment, and money management skills development,  
2465 access to essential documents, and other appropriate services to help children or persons prepare for self-  
2466 sufficiency.

2467 "Independent physician" means a physician who is chosen by the resident of the assisted living  
2468 facility and who has no financial interest in the assisted living facility, directly or indirectly, as an owner,  
2469 officer, or employee or as an independent contractor with the residence.

2470 "Intercountry placement" means the arrangement for the care of a child in an adoptive home or  
2471 foster care placement into or out of the Commonwealth by a licensed child-placing agency, court, or other  
2472 entity authorized to make such placements in accordance with the laws of the foreign country under which  
2473 it operates.

2474 "Interstate placement" means the arrangement for the care of a child in an adoptive home, foster  
2475 care placement or in the home of the child's parent or with a relative or nonagency guardian, into or out  
2476 of the Commonwealth, by a child-placing agency or court when the full legal right of the child's parent or  
2477 nonagency guardian to plan for the child has been voluntarily terminated or limited or severed by the  
2478 action of any court.

2479 "Kinship care" means the full-time care, nurturing, and protection of children by relatives.

2480 "Kinship guardian" means the adult relative of a child in a kinship guardianship established in  
2481 accordance with § 63.2-1305 or 63.2-1306 who has been awarded custody of the child by the court after  
2482 acting as the child's foster parent.

2483 "Kinship guardianship" means a relationship established in accordance with § 63.2-1305 or 63.2-  
2484 1306 between a child and an adult relative of the child who has formerly acted as the child's foster parent  
2485 that is intended to be permanent and self-sustaining as evidenced by the transfer by the court to the adult

2486 relative of the child of the authority necessary to ensure the protection, education, care and control, and  
2487 custody of the child and the authority for decision making for the child.

2488 "Local board" means the local board of social services representing one or more counties or cities.

2489 "Local department" means the local department of social services of any county or city in this  
2490 Commonwealth.

2491 "Local director" means the director or his designated representative of the local department of the  
2492 city or county.

2493 "Merit system plan" means those regulations adopted by the Board in the development and  
2494 operation of a system of personnel administration meeting requirements of the federal Office of Personnel  
2495 Management.

2496 "Parental placement" means locating or effecting the placement of a child or the placing of a child  
2497 in a family home by the child's parent or legal guardian for the purpose of foster care or adoption.

2498 "Public assistance" means Temporary Assistance for Needy Families (TANF); auxiliary grants to  
2499 the aged, blind and disabled; medical assistance; energy assistance; food stamps; employment services;  
2500 child care; and general relief.

2501 "Qualified assessor" means an entity contracting with the Department of Medical Assistance  
2502 Services to perform nursing facility pre-admission screening or to complete the uniform assessment  
2503 instrument for a home and community-based waiver program, including an independent physician  
2504 contracting with the Department of Medical Assistance Services to complete the uniform assessment  
2505 instrument for residents of assisted living facilities, or any hospital that has contracted with the Department  
2506 of Medical Assistance Services to perform nursing facility pre-admission screenings.

2507 "Qualified individual" means a trained professional or licensed clinician who is not an employee  
2508 of the local board of social services or licensed child-placing agency that placed the child in a qualified  
2509 residential treatment program and is not affiliated with any placement setting in which children are placed  
2510 by such local board of social services or licensed child-placing agency.

2511 "Qualified residential treatment program" means a program that (i) provides 24-hour residential  
2512 placement services for children in foster care; (ii) has adopted a trauma-informed treatment model that

2513 meets the clinical and other needs of children with serious emotional or behavioral disorders, including  
2514 any clinical or other needs identified through assessments conducted pursuant to clause (viii) of this  
2515 definition; (iii) employs registered or licensed nursing and other clinical staff who provide care, on site  
2516 and within the scope of their practice, and are available 24 hours a day, 7 days a week; (iv) conducts  
2517 outreach with the child's family members, including efforts to maintain connections between the child and  
2518 his siblings and other family; documents and maintains records of such outreach efforts; and maintains  
2519 contact information for any known biological family and fictive kin of the child; (v) whenever appropriate  
2520 and in the best interest of the child, facilitates participation by family members in the child's treatment  
2521 program before and after discharge and documents the manner in which such participation is facilitated;  
2522 (vi) provides discharge planning and family-based aftercare support for at least six months after discharge;  
2523 (vii) is licensed in accordance with 42 U.S.C. § 671(a)(10) and accredited by an organization approved by  
2524 the federal Secretary of Health and Human Services; and (viii) requires that any child placed in the  
2525 program receive an assessment within 30 days of such placement by a qualified individual that (a) assesses  
2526 the strengths and needs of the child using an age-appropriate, evidence-based, validated, and functional  
2527 assessment tool approved by the Commissioner of Social Services; (b) identifies whether the needs of the  
2528 child can be met through placement with a family member or in a foster home or, if not, in a placement  
2529 setting authorized by 42 U.S.C. § 672(k)(2), including a qualified residential treatment program, that  
2530 would provide the most effective and appropriate level of care for the child in the least restrictive  
2531 environment and be consistent with the short-term and long-term goals established for the child in his  
2532 foster care or permanency plan; (c) establishes a list of short-term and long-term mental and behavioral  
2533 health goals for the child; and (d) is documented in a written report to be filed with the court prior to any  
2534 hearing on the child's placement pursuant to § 16.1-281, 16.1-282, 16.1-282.1, or 16.1-282.2.

2535 "Residential living care" means a level of service provided by an assisted living facility for adults  
2536 who may have physical or mental impairments and require only minimal assistance with the activities of  
2537 daily living. The definition of "residential living care" includes the services provided by independent  
2538 living facilities that voluntarily become licensed.

2539 "Sibling" means each of two or more children having one or more parents in common.

2540 "Social services" means foster care, adoption, adoption assistance, child-protective services,  
2541 domestic violence services, or any other services program implemented in accordance with regulations  
2542 adopted by the Board. Social services also includes adult services pursuant to Article 4 (§ 51.5-144 et  
2543 seq.) of Chapter 14 of Title 51.5 and adult protective services pursuant to Article 5 (§ 51.5-148) of Chapter  
2544 14 of Title 51.5 provided by local departments of social services in accordance with regulations and under  
2545 the supervision of the Commissioner for Aging and Rehabilitative Services.

2546 "Special order" means an order imposing an administrative sanction issued to any party licensed  
2547 pursuant to this title by the Commissioner that has a stated duration of not more than 12 months. A special  
2548 order shall be considered a case decision as defined in § 2.2-4001.

2549 "State-Funded Kinship Guardianship Assistance program" means a program that provides  
2550 payments to eligible individuals who have received custody of a relative child subject to a kinship  
2551 guardianship assistance agreement developed in accordance with § 63.2-1306.

2552 "Supervised independent living setting" means the residence of a person 18 years of age or older  
2553 who is participating in the Fostering Futures program set forth in Article 2 (§ 63.2-917 et seq.) of Chapter  
2554 9 where supervision includes a monthly visit with a service worker or, when appropriate, contracted  
2555 supervision. "Supervised independent living setting" does not include residential facilities or group homes.

2556 "Temporary Assistance for Needy Families" or "TANF" means the program administered by the  
2557 Department through which a relative can receive monthly cash assistance for the support of his eligible  
2558 children.

2559 "Temporary Assistance for Needy Families-Unemployed Parent" or "TANF-UP" means the  
2560 Temporary Assistance for Needy Families program for families in which both natural or adoptive parents  
2561 of a child reside in the home and neither parent is exempt from Virginia Initiative for Education and Work  
2562 (VIEW) participation under § 63.2-609.

2563 "Title IV-E Foster Care" means a federal program authorized under §§ 472 and 473 of the Social  
2564 Security Act, as amended, and administered by the Department through which foster care is provided on  
2565 behalf of qualifying children.

2566 **§ 63.2-319. Child welfare and other services.**



2567 Each local board shall provide, either directly or through the purchase of services subject to the  
2568 supervision of the Commissioner and in accordance with regulations adopted by the Board, any or all  
2569 child welfare services herein described when such services are not available through other agencies  
2570 serving residents in the locality. For purposes of this section, the term "child welfare services" means  
2571 public social services that are directed toward:

2572 1. Protecting the welfare of all children including ~~handicapped~~ disabled, homeless, dependent, or  
2573 neglected children;

2574 2. Preventing or remedying, or assisting in the solution of problems that may result in the neglect,  
2575 abuse, exploitation or delinquency of children;

2576 3. Preventing the unnecessary separation of children from their families by identifying family  
2577 problems, assisting families in resolving these problems and preventing the break up of the family where  
2578 preventing the removal of a child is desirable and possible;

2579 4. Restoring to their families children who have been removed by providing services to the families  
2580 and children;

2581 5. Placing children in suitable adoptive homes in cases where restoration to the biological family  
2582 is not possible or appropriate; and

2583 6. Assuring adequate care of children away from their homes in cases where they cannot be  
2584 returned home or placed for adoption.

2585 Each local board is also authorized and, as may be provided by regulations of the Board, shall  
2586 provide rehabilitation and other services to help individuals attain or retain self-care or self-support and  
2587 such services as are likely to prevent or reduce dependency and, in the case of dependent children, to  
2588 maintain and strengthen family life.

2589 **§ 63.2-1301. Types of adoption assistance payments.**

2590 A. Title IV-E maintenance payments shall be made to the adoptive parents on behalf of an adopted  
2591 child placed if it is determined that the child is a child with special needs as set forth in § 63.2-1300 and  
2592 the child meets the requirements set forth in § 473 of Title IV-E of the Social Security Act (42 U.S.C. §  
2593 673).

2594 B. State-funded maintenance payments may be made to the adoptive parents on behalf of an  
2595 adopted child if it is determined that the child does not meet the requirements set forth in § 473 of Title  
2596 IV-E of the Social Security Act (42 U.S.C. § 673) but the child is a child with special needs as set forth in  
2597 § 63.2-1300. A child with special needs shall receive state-funded maintenance payments if he:

2598 1. Was in the custody of a local board or a licensed child-placing agency at the time of the adoptive  
2599 placement;

2600 2. Was in the custody of a local board or a licensed child-placing agency at the time of the adoptive  
2601 placement and met the factors set forth in subdivision B 1 or 2 of § 63.2-1300 at the time of adoption but  
2602 such factors were not diagnosed until after the final order of adoption and no more than one year has  
2603 elapsed from the date of diagnosis; or

2604 3. Lived with his foster parents for at least 12 months and has developed significant emotional ties  
2605 with his foster parents while in their care and the foster parents wish to adopt the child and state-funded  
2606 maintenance payments are necessary to enable the adoption.

2607 C. Special services payments may be made for the provision of services to the child that are not  
2608 covered by insurance, Medicaid, or otherwise. Special services include (i) medical, surgical, and dental  
2609 care; (ii) hospitalization; (iii) individual remedial education services; (iv) psychological and psychiatric  
2610 treatment; (v) speech and physical therapy; and (vi) special equipment, treatment, and training for physical  
2611 and mental ~~handicaps~~ disabilities. A child is eligible for special services payments if:

2612 1. The child is a child with special needs as set forth in § 63.2-1300;

2613 2. The child is receiving adoption assistance payments pursuant to subsection A or B; and

2614 3. The adoptive parents are capable of providing the permanent family relationships needed by the  
2615 child in all respects except financial.

2616 D. Nonrecurring expense payments shall be made to the adoptive parents for expenses related to  
2617 the adoption, including reasonable and necessary adoption fees, court costs, attorney fees and other legal  
2618 service fees, as well as any other expenses that are directly related to the legal adoption of a child with  
2619 special needs, including costs related to the adoption study, any health and psychological examinations,  
2620 supervision of the placement prior to adoption and any transportation costs and reasonable costs of lodging

2621 and food for the child and the adoptive parents when necessary to complete the placement or adoption  
2622 process for which the adoptive parents carry ultimate liability for payment and that have not been  
2623 reimbursed from any other source, as set forth in 45 C.F.R. § 1356.41. However, the total amount of  
2624 nonrecurring expense payments made to adoptive parents for the adoption of a child shall not exceed  
2625 \$2,000 or an amount established by federal law.

2626       **§ 63.2-1302. Adoption assistance payments; maintenance; special needs; payment**  
2627 **agreements; continuation of payments when adoptive parents move to another jurisdiction;**  
2628 **procedural requirements.**

2629       A. Adoption assistance payments may include Title IV-E or state-funded maintenance payments;  
2630 however, such payments shall not exceed the foster care payment that would otherwise be made for the  
2631 child at the time the adoption assistance agreement is signed.

2632       B. Adoption assistance payments shall cease when the child with special needs reaches 18 years  
2633 of age. However, assistance payments may continue until the child reaches 21 years of age under the  
2634 following circumstances:

2635       1. The local department determines on or within six months prior to the child's eighteenth birthday  
2636 that the child has a mental or physical ~~handicap~~ disability, or an educational delay resulting from such  
2637 ~~handicap~~ disability, warranting the continuation of assistance; or

2638       2. The initial adoption assistance agreement became effective on or after the child's sixteenth  
2639 birthday and the child is (i) completing secondary education or an equivalent thereof; (ii) enrolled in an  
2640 institution that provides postsecondary or vocational education; (iii) employed for at least 80 hours per  
2641 month; (iv) participating in a program or activity designed to promote employment or remove barriers to  
2642 employment; or (v) incapable of doing any of the activities set forth in clauses (i) through (iv) due to a  
2643 medical condition.

2644       C. Adoption assistance payments shall be made on the basis of an adoption assistance agreement  
2645 entered into by the local board and the adoptive parents or, in cases in which the child is in the custody of  
2646 a licensed child-placing agency, an agreement between the local board, the licensed child-placing agency

2647 and the adoptive parents. A representative of the Department shall negotiate all adoption assistance  
2648 agreements with both existing and prospective adoptive parents on behalf of local departments.

2649 Prior to entering into an adoption assistance agreement, the local board or licensed child-placing  
2650 agency shall ensure that adoptive parents have received information about their child's eligibility for  
2651 adoption assistance; about their child's special needs and, to the extent possible, the current and potential  
2652 impact of those special needs. The local board or licensed child-placing agency shall also ensure that  
2653 adoptive parents receive information about the process for appeal in the event of a disagreement between  
2654 the adoptive parent and the local board or the adoptive parent and the child-placing agency and information  
2655 about the procedures for renegotiating the adoption assistance agreement.

2656 Adoptive parents shall submit annually to the local board within 30 days of the anniversary date  
2657 of the approved agreement an affidavit which certifies that (i) the child on whose behalf they are receiving  
2658 adoption assistance payments remains in their care, (ii) the child's condition requiring adoption assistance  
2659 continues to exist, and (iii) whether or not changes to the adoption assistance agreement are requested.

2660 Title IV-E maintenance payments made pursuant to this section shall be changed only in  
2661 accordance with the provisions of § 473 of Title IV-E of the Social Security Act (42 U.S.C. § 673).

2662 D. Responsibility for adoption assistance payments for a child placed for adoption shall be  
2663 continued by the local board that initiated the agreement in the event that the adoptive parents live in or  
2664 move to another jurisdiction.

2665 E. Payments may be made under this chapter from appropriations for foster care services for the  
2666 maintenance and medical or other services for children who have special needs in accordance with § 63.2-  
2667 1301. Within the limitations of the appropriations to the Department, the Commissioner shall reimburse  
2668 any agency making payments under this chapter. Any such agency may seek and accept funds from other  
2669 sources, including federal, state, local, and private sources, to carry out the purposes of this chapter.

2670 **§ 64.2-745. Certain claims for reimbursement for public assistance.**

2671 A. Notwithstanding any contrary provision in the trust instrument, if a statute or regulation of the  
2672 United States or Commonwealth requires a beneficiary to reimburse the Commonwealth or any agency or  
2673 instrumentality thereof, for public assistance, including medical assistance, furnished or to be furnished

2674 to the beneficiary, the Attorney General or an attorney acting on behalf of the state agency responsible for  
2675 the program may file a petition in the circuit court having jurisdiction over the trustee requesting  
2676 reimbursement. The petition may be filed prior to obtaining a judgment. The beneficiary, the guardian of  
2677 his estate, his conservator, or his committee shall be made a party.

2678 B. Following its review of the circumstances of the case, the court may:

2679 1. Order the trustee to satisfy all or part of the liability out of all or part of the amounts to which  
2680 the beneficiary is entitled, whether presently or in the future, to the extent the beneficiary has the right  
2681 under the trust to compel the trustee to pay income or principal to or for the benefit of the beneficiary; or

2682 2. Regardless of whether the beneficiary has the right to compel the trustee to pay income or  
2683 principal to or for the benefit of the beneficiary, order the trustee to satisfy all or part of the liability out  
2684 of all or part of any future payments that the trustee chooses to make to or for the benefit of the beneficiary  
2685 in the exercise of discretion under the trust.

2686 C. A duty in the trustee under the instrument to make disbursements in a manner designed to avoid  
2687 rendering the beneficiary ineligible for public assistance to which he might otherwise be entitled, however,  
2688 shall not be construed as a right possessed by the beneficiary to compel such payments.

2689 D. The court shall not issue an order pursuant to this section if the beneficiary is a person who has  
2690 a medically determined physical or mental disability that substantially impairs his ability to provide for  
2691 his care or custody, and constitutes a substantial ~~handicap~~ disability.

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